Mr. E. S. Miller FROM : Legal Counsel SUBJECT: UNITED STATES v. JOHN D. EHRLICHMAN, et al., w U.S.D.C., D.C., CRIMINAL ACTION NO. 74-116 On June 4, 1974, Deputy U.S. Marshal Samuel D. Brethwaite, Identification Number 423, served a subpoena directed to the Director c the FBI. I accepted service of the subpoena in behalf of the Director an it is attached. The subpoena is returnable on June 6, 1974, at 9:30 A. N in the United States District Court for the District of Columbia. The subpoena calls for the production of "Any and all F.B.I. internal audits or analysis made during 1971 reflecting the F.B.I.'s investigation of the Pentagon Papers Theft showing the number of full time agents devoted to the investigation which includes criticism by Assistant Attorney General Mardian and the F.B.I.'s analysis of the validity of that criticism. "Any and all correspondence, memorandum or memoranda referring or relating to the unauthorized disclosure of classified information by Dr. Daniel Ellsberg and/or others relating to the Pentagon papers or referring to leaks or conferences with respect to further disclosures of classified information sent to or received by OPINION On its face, the subpoena appears to be demanding the production of material very similar if not identical to material previously subpoeaned in Ehrlichman's criminal prosecution but production was refused by the White House. The dispute as to the production of the White House materia is still pending in the criminal case. Therefore, the response to this subpoena by the Director of the FBI concerns important policy questions Enclosure 1 - Mr. Wannall MITTOSTITO 1 - Mr. Mintz JAM:deh CONTINUED - OVER JUN 11 1974 84 JUN 2 0 1974

Memorandum to Mr. Miller

Re: United States v. John D. Ehrlichman, et al., etc.

Mr. Breyer also specifically asked to be advised whether the FBI was able to locate any document as described in the subpoena concerning internal audits or analysis of the FBI investigation of the Pentagon Papers theft. Mr. Breyer asked that he be called by those in the FBI who are working directly on the project of reviewing the material in response to the subpoena so that they could come to an understanding as to material needed in the affidavit and the material that should be sought in the search.

I furnished the fact that Mr. Breyer was coordinating this matter for the Special Prosecutor to Mr. William Hamilton in the Intelligence Division, and advised him of Mr. Breyer's requests concerning the affidavit and his special needs in regard to any documents bearing on Ehrlichman's prior knowledge or any exculpatory material. I furnished Mr. Hamilton Mr. Breyer's telephone number, 393-2300, and requested him to call Mr. Breyer to make the necessary arrangements.

In the absence of Mr. Wannall, I advised Inspect or A. J. Decker of the arrangements that have been made.

At 10:54 a.m., on June 5, 1974, I spoke with Assistant Attorney General Henry Petersen of the Criminal Division and advised him of the Bureau receipt of the subpoena from Ehrlichman and that it was our understanding that the matter was being handled by the Special Prosecutor's Office. Mr. Petersen agreed that was the appropriate handling and that Mr. John Martin of the Criminal Division was handling the response for the Criminal Division.

### RECOMMENDATION:

For information.

WRO FSF

I'm In

UNITED STATES ERNMENT

### 1emorandum

Mr. E. S. Miller

DATE:

Legal Counsel

SUBJECT: UNITED STATES v. JOHN D.

EHRLICHMAN, et al., U.S.D.C.,

D. C., CRIMINAL ACTION No. 74-116

My memorandum of June 4, 1974, attached a subpoena received from the defendant that date in the captioned criminal prosecution.

At 10:50 a.m. on June 5, 1974, I advised Henry Ruth, Deputy Special Prosecutor, of the receipt of the subpoena and of the fact that the Intelligence Division reviewed FBI files to identify all of the material that might be covered by the subpoena. Mr. Ruth said that similar subpoenas have been issued to several agencies including the CIA, and that by agreement with the Deputy Attorney General the Special Prosecutor's Office will coordinate a single response in behalf of all of the agencies receiving the subpoenas. He said that Mr. Charles Breyer of the Special Prosecutor's Office has been designated to coordinate the single response to the several subpoenas.

I spoke with Mr. Breyer and he advised me that the return date of the subpoena had been continued from June 6, 1974, to June 7, 1974 at which time the Special Prosecutor plans to file an affidavit requesting additional time and stating generally the Special Prosecutor's response to the subpoena. He said that the affidavit should include statements from the various agencies concerning the scope of search of records that would be necessary in order to comply with the subpoena and the burden involved in conducting such a review. Mr. Breyer also said that he specifically needed to know whether any document has been located that would bear on the question of whether Ehrlichman had prior knowledge of the entry into Dr. Fielding's office. Mr. Breyer said he would need to know also the existence of any other material that might tend to be exculpatory evidence favoring defendant Ehrlichman. FX-105

1 - Mr. Wannall

1 - Mr. Mintz

JUN 11 1974

CONTINUED - OVER

### FEDERAL BUREAU OF INVESTIGATION

Date of transcription 6/3/74

CHARLES D. BRENNAN, Special Agent in Charge, Federal Bureau of Investigation, Salt Lake City, Utah, stated that to the best of his knowledge the FBI was never requested to conduct an electronic surveillance of Dr. DANIEL ELLSBERG, members of his family, and/or his psychiatrist at any time.

Interviewed on 6/3/74 of Salt Lake City, Utal File Salt Lake City 66-1836

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Mr. BERNARD A. WELLS, 5311 Montgomery Street, Springfield, Virginia, advised that in July, 1971, he was the Unit Chief charge of the New Left or Anti-Viet Nam War Demonstrations unit at the Headquarters of the Federal Bureau of Investigation (FBI), Washington, D. C. He stated that he retired from the FBI in July, 1971, and accepted a position with the Department of Justice.

In response to a request of the Watergate Special Prosecution Force to determine if the FBI was ever requested to conduct an electronic surveillance of Dr. DANIEL ELLSBERG, members of his family, and/or his psychiatrist during the period January, 1969, to the present. Mr. WELLS stated that no such request was known to him.

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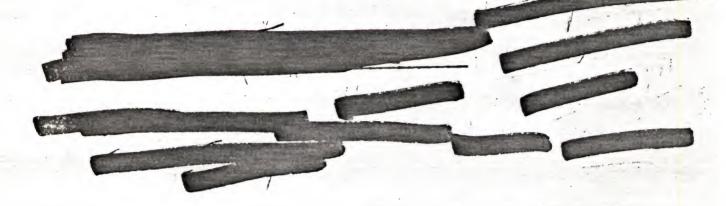


UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No. 65-3264 Miami, Florida May 31, 1974

RE: DANIEL ELLSBERG; BURGLARY OF OFFICE OF DR. LEWIS J. FIELDING



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ENGLOSURE

### It's Only a Notebook-But All His Life Is There

By GENE STULLER

The secret world of Bernard Barker fits nicely into a 37-cent. Walgreen's address book.

"I am Macho." he wrote, so he wouldn't forget his heman code name.

He didn't want to forget where to spy, either, so he jotted, "Lawrence O'Brien, Sonesta Hotel, Gulfstream Suite," and also, as a helpful reminder, "WH" for the White House, and a telephone number there for a co-

conspirator, "HH" for How-

BERNARD BARKER'S little blue book from Walgreen's is now preserved as Exhibit 38 for the prosecution in the Watergate case.

And if ever a political espionage spy, or burg'ar for that matter, put himself into the soup, it was Bernard Barker, 55, bifocaled notary public. In alphabetical order, no less.

Not only did Barker carefully list the easily-deciphered aliases of his collegues ("Gene Rolando Martinez", he listed even his old buddles from the CIA; specifically, Jack Stuart.

IT SEEMS that Barker wanted Stuart to sit in a houseboat in Biscayne Bay during the political conventions and operate a communication headquarters. Stuart declined. He is a little difficult to find these days.

"Who is calling?" answered the man at Stuart's telephone on the Florida Gulf Coast, 813-392-4190. "Oh, Mr. Stuart is out. He won't

be back for maybe a couple of weeks . . . Er, uh, I'm a friend," the man said.

Much of the secret world of Bernard Barker unravels nicely for anyone dialing the 112 telephone numbers under 136 names (oft-misspelled) and 44 addresses in the Walgreen's book.

BESIDES SPIES, a caller may confer with Bernie Barker's TV repairman (Kennedy & Cohen). Bernie Barker's milkman (Miquel Diaz). Bernie Barker's veterinaria's (D: H. L. McGee), Bernie Parker's gas station atten- . dant (Angel Ferrer for Standard Oil), Bernie Barker's plumber (Gilberto), and all manner of real estate clients for Barker Associates. (He listed his own firm corectly: 2301 NW Seventh St., Suite F and G.)

"Oh, yes. I remember Mr. Barker," replied "Mrs. Hastings 642-5996." She is Mrs. Winfred I. Hastings, 432 NW 19th Ave.

"He sold my house. A picked his name out of the relephone book because his office was close. He sold it to the first person who saw it for \$21,500. We bought it in 1924 for \$500, I think. I was dumbfounded when I saw his picture in the paper."

BARKER IS unable to avail himself of the telephone these days. With six other guilty Watergate defendants, he resides in the ugly red brick fortress known as the District of Columbia City Jail, awaiting sentence. It is across the street from the Redskin stadium.

The judge could sentence him to prison until the year 2018, which indeed would qualify him for the Over the Hill Gang.

Apparently not all is harmonious among the Watergate convicts.

TO NEW YORK Timesman Seymour M. Hersh, Frank A. Sturgis repeatedly kept referring to his colleague Barker as "that idiot."

Sturgis' displeasure, it appears, comes from Barker's reputation as a tight man with a buck, allegedly a trait Barker proudly demonstrated as a CIA paymaster during the Bay of Pigs invasion.

On the warm June 17 night of the Watergate break-in, Barker supposedly boasted that he had paid only 39 cents for the adhesive tape to tape shut the latches on the door.

AND ONCE inside, believing his crew had sneaked in undetected, Barker turned off his walkie-talkie. As he explained later, he wanted "to save the batteries."

Thus, Barker failed to hear the cheese-it-the-cops message from the look-out at the Howard Johnson's acrossthe street. Alfred C. Baldwin,an ex-FBI agent hired by the Republican political intelligence gang.

Barker's tightwad propensity is reflected in his Walgreen's book, too. Methodically he chronicled ex-

(Indicate page, name of newspaper, city and state.)

1-1

MIAMI HERALD

MIAMI, FLORIDA

Date: 2/5/73

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penses. listing restaurants, too, the Flamenco, Minerva, .. Violins, Gilberto. He is known to walk out of a. restaurant if he deems the menu too expensive.

BARKER TOOK inordinate interest, though, in one expensive and luxuriant Collins Ave. hotel, the Doral Beach. He diagrammed its lobby floor. This is where George S. McGovern stayed.

Barker recorded also the unlisted home telephone number of Ben Novak, owner of the Fontainbleau Hotel. This number he wrote beside the name of Bill Arozarena, a Novak executive. "Mr. Barkeris a cousin on my mother's side or my lather's side, I;

lorget which," professed Arozarena.

Among the assorted Watergate-types who didn't get caught, no thanks to Barker, were Felipe de Diego and Reinaldo Pico.

BARKER LISTED de Diego's code name as "Piedra," which means "stone." It fits. De Diego imports Italian marble for Miami contractors. The prosecution granted de Diego immunity, but did not call him to testify.

De Diego admits he went to Washington on a Barker mission, but says he wasn't curious enough to ask what it was about.

Pico didn't hang around Miami long enough to: answer any questions. The day police captured Barker, Sturgis, Martinez, Virgilio R. Gonzales, the locksmith from Turnkey, and James W. Mc-Cord Jr., the security chief for the Committee To Re-Elect the President, Pico was no where to be found. He fled to Venezuela.

AN UPSTANDING young vice president of the Greater Miami Chamber of Commerce, Stephen D. Nostrand Jr., managed indirectly to get himself in the book.

For \$2,000 for four months, he leased apartment 14H at the Octagon Towers Apartment in Miami Beach in his capacity with the "Young Voters For the President."

Barker copied it down 14A. As Nostrand explained to the FBI, he met McCord at a GOP planning session in early June and McCord thoughtfully took his address.

BARKER ALSO listed Thomas Bell, a young Tennessee Republican, once with the Committee to Re-Elect, more recently with the Inaguration Committee, and now, as so many other Barker numbers, disconnected:

The telephone you have reached is not in service at this time.'

Barker's list includes everyone from a genuine wrong number (W. L. Alter Singleton, a vaudeville saxaphone player for the old Olympia Theatre who lives with his 91-year-old mother) to survivors of the Cuban Bay of Pigs subculture in Miami.

EXAMPLE A: Ship owner Teofilo Babum, retired | gun runner. "I think they should ghe him a medal."

EXAMPLE B: Extremist Pablo Gomez, Patria newspaper columnist. "How did he get my private number?" Mc-Govern sued Gomez for libel because he called him a Communist.

Barker, it should be noted, wasn't so indiscreet as to get caught with his Walgreen's address book in his pocket.

He had left it back in the top dresser drawer of his Room 214 at the Watergate

Hotel, along with \$3,400 in . crisp \$100 bills. his business calling card, a box of 24 Parke-Davis examination gloves, and two canisters of Mace - "for instant defense on one or more attackers. Aim nozzle cap directly."

ONE LISTING, "Rabirubia," which translates "red snapper," virtually reeks with connotation of intrigue.

But red snapper turned out to be Alejandro Hernandez, 56, house painter and fisherman. He took Barker fishing four times. "He is not much of a fisherman really, no fisherman at all. Everytime he would catch a grouper ortwo, he would take home more than his share. He was a tough bargainer when it came to getting a price for printing a house," Hernandel confided.

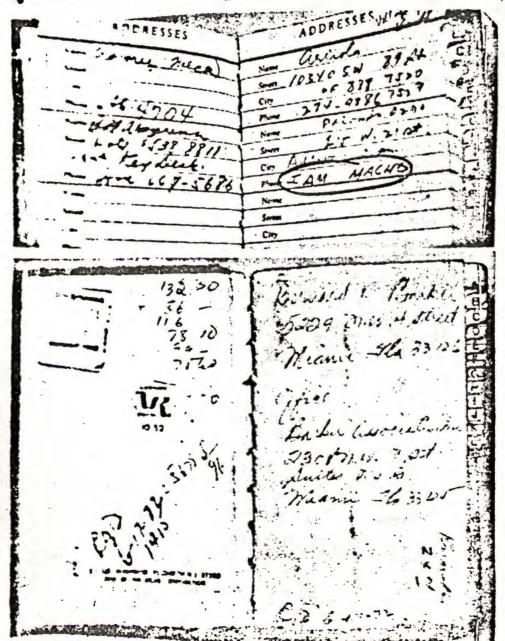
"CHARITO," who idendfied herself as Rosario 14. Villa, once a secretary at Valledor Realty, disagreed about Barker's reputation for frugality. .

"He is not cheap. At Christmas time every year he and his wife gave Shalimar extract, and not the little bettle either, but the fireovince one."

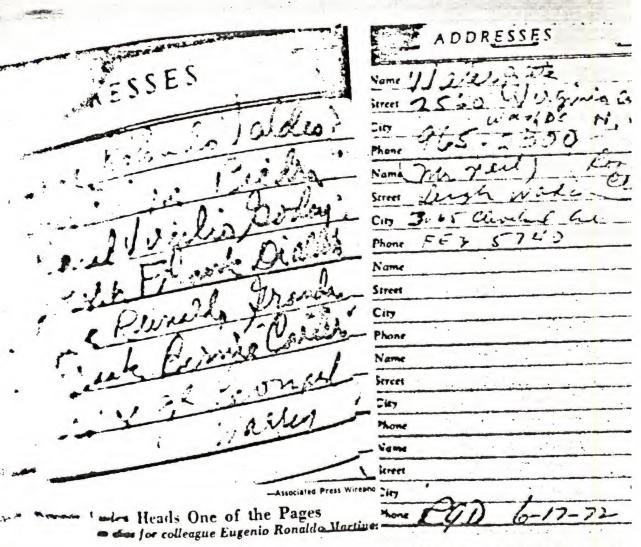


Bernard Barker ... listed names

Exhibit is for the prosecution in the Watergate case is a little black owned by Bernard Barker. Along with lists of name, and addresses and telephone numbers Barker included this entry (circled at left): 'I AM Macho.' That, says the prosecution, was his code name.



... exhibit still carries discount price of 37 cents



Entries Include 'Watergate' ... where arrests top

## Watergate Team Formedfor Hoover Rites?

#### By WILLIAM MONTALBANO And ROBERTC FABRICIO Herald Stall Writer

Two Miami Cubans linked to the Waterrate conspiracy said Saturday that the team that bugged Democratic Headquarters first assembled in Washington last May for an entirely different mission: to disrupt antiwar demonstrations at the funeral rites of Edgar Hoover.

A particular target was Daniel J. Ellsberg, "the traitor," the two men said.

The Watergate prowlers - and other Cabans exiles - were flown from Miami o Washington for the FBI chief's funeral n what the two Cubans thought was a "CIA mission.

They said their ai fares, hotels and meals were all paid in the same fashion as on a second trip they made when the De notratic headquarters was first entered.

Both men insisted they did not know of or participate in the Watergate incident. Both said they were in Miami three weekends later when the burglars were caught on a return visit to the Watergate

Both Cubans, Reinaldo Pico, and Felipe DeDiego, said they had worked on and oif for the Central Intelligence Agency since both participated in the Bay of Pigs invasion of Cuba in 1961

PICO, 37, said he was arrested in Was 1ington after slugging "a long-haired hipping" while Hoover's body tay in state in the Capitol Rotunda May 4 but was freed imme-

diately at the signal of a man dressed in a gray suit.

Pico, a burly man whose instinct is to direct action, and De'Diego, who is more worldly, said the incident reassured them that they were acting with government sanction. When the Watergate burglars were arrested, the two men said, they expected them to be freed as well.

"A CIA mission? Of course," said Pico. "I've worked for the CIA all my life. I always worked for them through Macho (Bernard Barker). I assumed if Macho asked it must be officia!.

"Before we went to Washington, Maclio told me "la gente" wlinted people to tale care of the demonstrators at the Hoover fu-

neral. When we talked about 'la gente' (the people) it was always the CIA."

BARKER, long a CIA operative, was arrested inside the Democratic headquarters with Cubans Eugenio Martinez and Virgilion Gonzales, and American adventurer Frank Sturgis, also known as Frank Fiorini, and James W. McCord Jr.

Pico and DeDiego said they traveled to Washington for the Hoover funeral under Barker's instructions. Pice traveled as Jose Granda and DeDiego as Jose Felipe Piedra. They said they stayed only one night in Washington - at a downtown Holiday lun - and then returned to Miami.

"There were eight or nine of us," said

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MIAMI HERA

MIAMI, FLOR

Edition:

Pice. "Certainly oll four are now in jail.

"The reason I was taken prisoner is that there was this long-haired guy arguing with Macho and so I gave him a fist and they took me in.

"THE POLICEMAN took me down the stairs of the Capitol and was going to pull me in when the man in the gray suit signalled to let me go and so the policeman told me to go and not to come back."

Eoth Pico and DeDiego specifically mentioned Elliberg.

"We saw Ellsberg, that traitor, having a victory demonstration during the Hoover funeral and it incensed me," said DeDiego, "Hoover was a hero and there was this traitor gloating over his death. We started calling them traitors and finally we broke up the Ellsberg thing."

wo weeks after the Hoyver funeral, Barker again called together the group, the men said in separate inter-

This time they flew to Washington on a Monday morning on a National Air-lines flight. They rented a par and registered at the Hamilton Hotel.

DeDIEGO roomed with Virgilio Gonzales, he said, and Pico said he roomed with I'rank Sturgis.

Pico, who describes himself as a "fighter," said "I was told they were expecting more anti-government demonstrations at the White House and we were to break them up.

! "If we saw a Viet Corg flag go up we were to pull it cown. I was looking forward to bringing one of those flags with me as a souvenir."

DeDiego, who served four years as an intelligence of icer in the U.S. Army af er hi: release from Bay of Pgs imprisonment, said he was not given any reason for the second trip to Washington, merely that he would get instructions once he apt there.

AFTER SEVERAL days of Inactivity at the Hamilton, the men said, they moved to the Watergate. It was their registration there under their code names as \*Granda and Piedra that led federal investigators to them.

It was during the stay at the Watergate Hotel that the first break-in occurred at the Democratic headquarters sometime between May 26 and 29 Pico and DeDiego said they had no knowledge of it.

In fact, they said; they were given nothing to do at all and complained to llarker. They said they wanted to go home.

"We were told by Macho to await for instructions on what to do and for the demonstrators to gather. Meanwhile DeDiego and I stuck together. I was rooming with Ficrini (Sturgis) but his Spanish is bad and I don't speak any English.

"DeDiego and I just toured around Washington like a couple of tourists.

"WE WENT to the Kennedy Center, to the Lincoln Monument, and we went to the movies a lot."

Pico and DeDiego insist the only conspiracy they participated in that week was to buy identical pairs of pajamas in a Washington shop.

"When we were told we could come back to Miami after having done nothing but wait, I asked 3arker "What's going on? What's happening? and he said we just have to go back and await instructions and maybe come back again," said De-Diego.

Three weekends later Barker was back at the Watergate. He and four others were caught June 17.

DeDiego and Pico said Saturday they were taught during CIA training never to ask unnecessary questions ibout a mission.

THEIR GOAL, they said, was to work for the freedom of Cuba and against communism. They assumed that was the ultimate purpose of their virits to Washington, they said.

hey said they were not sent at Walergale when the arrests were made only because they were not riked to return a third time to Washington. Had they been asked, they said, they would have gone — no questions asked.

"I feel betrayed," said Pico. "Not by my companions, not by Macho, but by the system. I am sure that Macho and the other Miami men were in this just like I was. They must have thought they were doing something for the government."

"When I worked for the CIA if they told me to go out to the bay and blow up a ship I would do it."

"We thought we were fighting for democracy and our country."

PICO LEFT the U.S. for Venezuela after learning of the Watergate arrests and remained there until March. He said he contacted the FBI at the American Embassy in Caracas and was questioned several times.

He said he volunteered to return to the United States immediately but was told it was not necessary. When he did return, Pico said, Le called the FBI in Miami and told them he was back.

"I didn't do anything wrong. I'm not hiding. We thought we were fighting for democracy and our country."

DeDiego, who was granted immunity to testify before the Watergate grand jury, is even more emphatic.

"WE HAVE been waiting for 14 years to do something against Castro and against communism. We take any chance we get.

"It is like a fever that takes hold of you.



# T'll Testify On Break-In' Miamian Says

FELLPE DeDIEGO

----

By ROBERTO FABRICIO

Miamian Felipe DeDjogo, surprised at disclosures that he was involved in the

Gand Jury if his immumity from prosecution is extended.

"I will not accuse others publicly, but the Grand Jury calls me back I will be glad to cooperate fully to the extent of what I know if my immunity is extended," said DeDiego in a telephone interview.

"Anything I say to you can hurt me."
Convicted Watergate conspirator
Howard Hunt told a Washington grand
jury earlier that DeDiego and Bernard
Barker and "a Mr. Martinez" had broken
into the offices of a psychiatrist who
treated Ellsberg. Miamian Eugenio
Martinez is among those convicted in the
Watergate burglary.

DeDIEGO did not deny he was in-

He was granted immunity when he appeared before the Watergate grand jury after he repeatedly invoked the Fifth Amendment. DeDiego was called by the grand jury after his code name on the

Watergate Hotel registration desk was traced to his Miami address.

Apparently shaken by the Hunt disclosure implication him jurious in the

Ized the involvement of the Miam Cubans in the case was coincidental.

"We thought we were working for the CIA all the time," DeDiego Said. "If Hunt is saying there were some people from the CIA there, you can imagine what we thought. We thought it was all CIA."

DeDIEGO previously admitted that he and the other Miami Cubans convicted in the Watergate conspiracy had assembled in May 1972 to disrupt the anti-war demonstrations at the funeral rites of J. Edgar Hoover. Their principal target at the time was Daniel Ellsberg, said DeDiego.

"I have been so confounded by so many public officials in high honorable positions accusing each other in public that I don't know what to believe or what to think any more," said DeDiego. "This has reached the gutter level.

"What is happening is that everybody is trying to save his hide. This is too sad," said DeDiego.

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MIAMI HERALD

MIAMI, FLORID

Date: 5/5/73

# Nixon Aides OKd Ellsberg Break-In

From Herald Wire Services

Matergate conspirator, E. Howard Hunt has revealed to Washington grand jury an elaborate scenario, masterminded at high levels of the White House and involving among others, the Central Intelligence Agency, leading to the abortive burglary of the office of the psychiatrist who treated Daniel Ellsberg.

Details of the plot were contained in a transcript of Hunt's testimony read in court Friday at the Pentagon papers trial of Elisberg and Anthony Russo

In it Hunt describes how:

- The operation in the summer and fall of 1971 was at all times supervised by White House staffers Egil Krogh, whom Hunt describes as "principal deputy" to John Eurlichman, then chief domestic affairs adviser to the President, and David Young, who until recently was an the staff of the National Security Council.
- The CIA was enlisted to provide a secret camera, other technical equipment and false papers and disguises for Hunt and G. Gordon Liddy, also one of those convicted in the Watergate burglary.
- when the burglary of the office of Dr. Lewis Fielding failed to turn up results, a special CIA unit headed by Dr. Bernard Malloy, was called in. Hunt described Malloy's unit as a "psychiatic unit set up at the CIA' to provide in effect second-hand profiles of persons of interest to the United States government. That is an activity that has been on soing for years." Hunt said Malloy did provide

a profile of Ellsberg, which he turned over to Young or Krogh in the form of a menorandum.

The actual burglary of Fielding's office was performed by three men. Hunt said, Bernard Barker, ex-CIA agent also convicted in the Viatergate case, and two Cubans, a "Mr. Martine:" and Felipe De Diego. Martinez is apparently Eugenio Martinez, who pleaded guilty in the Watergite case. De Diego was allezedly involved in an assault on Ellsterg on May 2, 1972, at, a rally in Washington, D.C. Hunt said he and Liddy served as lookouts during the burglary.

Barker, Martinez and De Diego are all from Miami.

(In Washington, a CIA spokesman would neither admit nor deny any of Hunt's testimony or whether the CIA had ever turned over any psychological profile on Ellsberg to the White House. The spokesman would not cormert on whether a Dr. Betnard Malloy in facta worked for the CIA.)

HUNT told a cloak-anddagger tale of plans for thed burglary which included nighttime meetings in socalled "safe" houses in Washington. At those houses, he said, he and Liddy met with the CIA men who gave them the camera which was to be used to photograph Ellaberg's psychiatric records and provided them with the disguises He did not sav what the disguises were, but said they were given fals? identification papers to use.

Hunt said that throughout the operation Krogh was aware of all developments. He said that following the break-

in he and Liddy went to a Los Angeles hotel and at 4 a.m. they called Krogh to inform him the burglary had occurred. Later, he said, Krogh was given a full report.

Krogh, who earlier this week took a leave from his job as undersecretary of the Transportation Department, was reportedly questioned for four hours Friday by federal prosecutors.

At one point in his testimony, Hunt added to the mysterious surroundings of the burglary by saying, "I operated through Mr. Krogh... but I had been given a sterile (phone) number at the Central Intelligence Agency to call when material requirements needed to be met." He said that was an unlisted number in which the billing could not be traced.

PAFTER the break-in, Hunt said he tried to tell former White House counsel Charles W. Colson about what had happened. But Colson refused to listen.

Hunt said he went to Colson's office carrying with him a photograph of the rifled file cabinet in Fielding's office and toid Colson, "I have something I want to show you that has to do with my actions last weekend." Hunt said Colson told him, "I don't want to hear about it," and rushed into another office.

Hunt said Young, the former employe of the National Security Agency, also know about the authorization for the burglary.

Hunt said that he never valked to Ehrlichman himself about the burglary and related matters and does not know if Ehrlichman or any other officials in the White

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House were informed about it. He said the initial investigation into Ellaberg's psychiatric history was faunched because of official fears that allaberg might become a political "martyr" if he were prosecuted.

HUNT said, "It became known to Mr. Liddy and myself, and I believe it must have been Mr. Krogh who told us there was an intense amount of interest in Mr. Elsberg." He said the White House had been receiving reports from the FBI and other law enforcement bureaus, and that he was given access to all of this material on a routine bases.

At that time, as I understood it, there was some concern in the White House about the appropriateness of seeing the prosecution actually take place in regard to Dr. Ellsberg and his associates, and I shared that concern my own feeling being that he would probably become a martyr, in locking at things politically and I thought it was a poor judgment to draw."

He said FBI reports kept coming in on Ellsberg and "a picture of a man belong to emerge that aroused not only interest on certain White House officials, and I'm not sufe who all of them (were), but certainly on the part of Mi. Krogh and Mr. Young, and, as far as that goes, myself, to the extent I was in White House official, and Mr. Liddy."

It was at this point. Hunt said, that Krogh suggested a report be made on Ellsherg's "prosecutability." He said he didn't remember who first mentioned the possibility of a "bag job" on the psychiatrist's office.

He said he and Liddy first flew to the West Coast on Aug. 25, 1971, made a "fensibility" study of the psychiatrist's office and decided the burglary could be accomplished.

"We passed through the tuilding one evening, took some photographs with a very special camera and located where Dr. Fielding's home was located." Hunt said.

HE APPED that they returned to Washington, wrote up their findings, developed the photographs and that he believes Liddy submitted them to Krogh. "I would have to assume that he (Liddy) and Mr Young discussed it as was their custom and then it went to Mr. Krogh."

Hunt said the camera he and Liddy used "was issued by the Central Intelligence Agency. It was issued through the representations of Mr. Krogh. . . It was issued to me."

He said he and Liddy "received our documents and physical disguises at different places and a different places and at these occasions. Hunt said, "I operated through Mr. Krozh."

Hunt noted that when the operation began to progress, "it was pointed out to us... that no one with any association with the White House could be involved in any way directly with such an operation."

THUS. he said, "I was asked whether or not as a result of my old CIA centacts, I could come up with a team capable to make such an entry. I said that I would look into it, and I must have none down to Miami at that time to interview Mr. Barker and some of his associates. . Mr. Barker said he would be very glad to help in a national security operation, which is how I described the operation to him."

He said he then met the to Los Angeles with the two two Cubans, who he said were then hired for the job.

He said he and Liddy went Cubans on Labor Day weekend of 1971 and checked in at the Beverly Hilton Hotel under assumed names.

During the burglary itself, Hint said he was stationed, at Fielding's residence to make sure the doctor's car stayed in the garage and Liddy cruised the area around the doctor's office.

When the intruders dis-

covered the doors to the blilding were locked because of the holiday weekend they had to force their way in. Bunt said. But their search of the office failed.

"It was reported to me that they had gong through every file in Dr. Fielding's office, including the one in his desk, and that there had been absolutely no

material in it with the name of Ellsberg on it of any sort,!'

the SAID the Cubans took pictures of the open file cabinats to show they had done the job. Later, "they were told to take the next plane out of town" while Liddy and Hunt reported by phone to Krogh.

# Miamian bares Ellsberg case break-in role

By RICK ABRAMS

Felipe DeDiego, a Miamian and friend of Watergate conspirator Bernard Barker, testified today before State Attorney Richard Gerstein that he accompanied a burglary team to the office of Daniel Ellsberg's psychiatrist in the summer of 1971.

DeDiego said the burglary team was told it was on a national security mission.

The break-in at the office of Dr. Lewis Fielding in Los Angeles led to the resignation yesterday of Nixon's undersecretary of Transpirtation, Egil Krogh Jr., who admits planning the Ellsberg mission.

Gerstein said today he took DeDiego's testimony at the request of the Los Angeles district attorney.

Gerstein said that DeDiego testified freely after being given immunity for any Los Angeles crime. "If he is immunized elsewhere he can shed light on other matters," Gerstein said.

DeDiego testified that he was not paid for the Ellsberg mission but was told he would get plenty of money on future assignments.

He said that he accompanied to Los Angeles Barker, one of those convicted for the Watergate bugging affair, and Eugenio Martinez, another of the "Miami four" convicted in the break-in at the Democratic Party headquarters in Watergate.

DeDiego said they met in Milami, caught a plane and went to a hotel one block from the office of Dr. Fielding in Beverly Hills.

At 9 a.m. that night, he said, the three left the hotel with a suitcase full of camera equipment and walked so Fielding's office.

They approached a Mexican cleaning woman in the office and spoke to her in Spanish. They told her they had some inportant material to leave in the office. She allowed them to place the case of equipment inside.

DeDiego said they returned a little later and walked around to the side of the building. Using glass catters, they cut a hole and opened the ground floor window.

Once inside DeDiego was told to help hunt for the file of Ellsberg, defendant in the Pentagon Papers trial But, DeDiego said, Martinuz found it and began photographing the contents.

He said when the photog-

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raphy was finished they lift

carrying the suitcase through

i door and returned to the

hotel. Barker went off with

the suitcase of camera equip-

ment and returned without it.

DeDiego said.

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# Ellsberg Burglary Described

### In National Interest, Miamian Testifies

By GENE MILLER

Under a grant of immunity, Miamian Felipe DeDiego testified Thursday how he and two convicted Watergate burglars broke into the office of Daniel Ellsberg's psychiatrist in 1971 in "the national interest."

DeDiego told Martin Dardis, chief investigator for State Attorney Richard E. Gerstein, that he and Bernard Barker and Eugenio Martinez used masking tape and glass cutters to break a window, physically pushed down a door, then photographed the files of Cr. Lewis Fielding.

DeDiego said he didu't "personally see" Ellsberg's psychiatric records, Dardis said, "but that afterwards Barker told him, 'We have completed our mission, we have done our part."

GERSTEIN GRANTED the Immunity at the request of the Los Angeles district attorney.

The burglary occurred Sept. 3, 1971 in Beverly Hills.

DeDiego said Barker, now jailed with Martinez in the Watergate burglary, told him about the break-in plans at Barker's real estate office here at 2301 NW Seventh St. He used to work for Barker as a real estate salesman.

"He (DeDiego) said he thought he was on a mission for the CIA," Gerstein said.

The three men flew from Miami to Los Angeles and checked into a hotel in Beyerly Hills, DeDiego said. Barker left the room for a few moments and then returned with a briefcase. "It

contained photographic equipment, 35 millimeter film and spot lights. Dardis said.

DEDIEGO SAID he wan told he was working for "Eduardo," the name E. Howard Hunt used during the Bay of Pigs invasion of Cuba. Hunt an ex-CIA agent and ex-White House aide, is also now in jail for the Watergate crime.

DeDiego said he never saw Hunt during the "mission for the government." Barker paid all expenses, he said. He was promised "payment in the future."

The three Miamians went to the psychiatrist's office three times. First it was "for reconnaissance during the daylight hours," Dardis said.

Then they returned at 9 p.in. and spoke to a chamber maid of Mexican extraction; said Gerstein. "By a ruse." they convinced her to set them leave the briefcase in Dr. Fielding's office. "They told her it was for the doctor."

At 1 a.m. they returned the third time and entered by a first floor window, using glass cutters. This wasn't the doctor's office. They found his door "and the three of them physically pushed it open," Dardis said.

ACCORDING TO DeDiego, they remained inside for 45 minutes to an hour, photographing files. "Martinez was the photographer," Gerstein said.

They left the office in disarray, making no attempt to cover up the burglary. Barker, DeDiego said, left them again later and returned without the briefcase.

Gerstein said he carefully confined the immunity to the Los Angeles break-in and that DeDiego was not interrogated on "other matters."

"I am convinced that, given immunity, he could shed light on other crimes," Gerstein said later.

DeDiego appeared at this state attorney's office with Alfredo Duran, a well-known Cuban lawyer. Duran, Gerstein said, felt that his client "was duped and used."

DeDiego, 45, of 1841 SW 92 Pl., told The Herald two weeks ago that in May 1972, the Watergate burglary team flew from Miami to Washington to disrupt antiwar demorstrations at the funeral of J. Edgar Hoover.

At that time, their target was Ellsberg, "the traitor," DeDiego said.

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## Miamian calls Ellsberg traitor, says he would

### raid office again

BY LOUIS SALOME Miami News Politics Writer

relipe DeDiego, who tistified that he and two other Miamians broke into the office of Daniel Ellsberg's ysychiatrist in 1971, says he would do it again because Ellsberg is a "traitor."

In an interview last night outside his home at 1841 SW 92nd Pl., the black-haired, nattily-dressed DeDiego said. "I will be happy to do anything to help the country. We did what should be done.

"That guy (Ellsberg) wa.; a traitor. I compare that guy to the Rosenbergs (Julius and Ethel) who stole the atomic bomb secrets."

L'Isberg is on trial for corying the Pentagon Papers -a study on the origins of the Vietnam War - and turning the material over to the press.

DeDiego was granted immunity yesterday when he told the Dade County state attorney's office how he. Bernard Barker and Eugenio Martinez on Sept. 3, 1971 broke into the Beverly Hills. Calif., office of Dr. Lewis Firding, Ellsberg's psychia-

Barker and Martinez are in jay for participating in the Watergate burglary. At the

time of the break-in at Ellsberg's doctor's office. De-Diego said he worked in Barker's real estate office

DeDiego said Barker asked him to help with the Ellsberg affair about "two or three days" before they left Miami for California. DeDiego said he has known Barker since the abortive Bay of Pigs invasion in 1961.

"I went there just for the Ellsberg case. I didn't do anything else," DeDiego said in a brief interview during which he had one foot inside his Buick Riviera most of the time, while his wife sat inside the car waiting to leave.

DeDiego arrived at his home at about 8:40 p.m. where he picked up his wife and quickly left. He said he was going to Puerto Rico today because of a family ill-

Dressed in a white suit and reacting cordially to questions, DeDiego said he believed that Barker was acting on orders from E. Howard Hunt, a former CIA agent and former White House aide who is also in jail for the Watergate burglary

But DeDiego said, Barker did not tell him this. DeDlego also denied knowing Hunt.

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# Figure in Ellsberg case says here he knows a lot more

By LOUIS SALOME

Dade State Attorney Richard Gerstein believes that Felipe DeDiego, the Miamian who testified he broke into the office of Daniel Ellsberg's psychiatrist in 1971, has information about other "burglaries of a political nature."

Gerstein said vesterday, after DeDiego gave sworn testimony for the second straight day, that DeDiego, "has indicated that given immunity elsewhere such as in Washington and other places he will testify further about other things."

Those other things were "burglaries of a political nature" Gerstein said.

"I am certainly going to convey the information to the prosecutors in Washington to let them know Mr. De-Diego is anxious to talk and given immunity would talk.



FELIPE DeDIEGO

It would seem to be in the best interest of justice that he be given immunity. It would be of great interest to the American people," Gerstein said.

In his testimony yesterday,

DeDiego said he was working for a "new agency" for national security operating from the White House.

While DeDiego was giving his testimony, two FBI agents entered Gerstein's office where they met with Martin Dardis, Gerstein's chief investigator.

No one would comment on the meeting, but it appeared the FBI agents wanted to know what DeDiego was saying, without talking to him.

Reliable sources told The Miami News that the agents are interested in DeDiego's role and information on the Ellsberg break-in. It is also possible, however, they are interested in what DeDiego may have to say about other matters.

Gerstein said DeDiego had

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said earlier he had been in touch with the FBI.

While DeDiego has been granted immunity from prosecution by the State of California relating to the Ellsberg case, he could be prosecuted in federal court, state attorney officials said.

They said a federal prosecutor could not use DeDiego's immunized statement specifically against him, but he is not immunized from prosecution in federal court in other areas. This means his statement could be used by federal officials to provide additional leads from which prosecution of DeDiego could result.

Gerstin said yesterday, "In a sworn statement, Mr. DeDiego said he was working for a new government agency working directly out of the White House under a man whose code name was Eduardo — that is Hunt."

"a Eduardo" and "Hunt" are Ed Howard Hunt, a former CIA agent and former White House aide who is now in jail, convicted for his part in the Watergate burglary. Hunt had used the code name Eduardo in his CIA activities, going back to the Bay of Pigs invasion in 1961.

Gerstein said DeDiego clearly stated he was working for a "new agency," and not for the FBI or the CIA.

DeDiego testified Thursday that he, Bernard Barker, for whom he worked as a real estate agent, and Eugenio Martinez broke into the Beverly Hills, Calif. office of Dr. Lewis Fielding Ellsberg's psychiatrist, on Sept. 3, 1971.

DeDiego's only comment about yesterday's testimony was that he did not get involved in the break-in for money, either on the spot or Qs the promise of receiving some at a future date.

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Did the E. Howard Hunt-White House et al "burglary going" also knock off the Chilean Embassy in Washington in May, 1972?

After a limited grant of immunity, Miamien Felipe Delian of Funtted this week that he burgarized the office of Daniel Lilsberg's psychiatrist in what was a White Housedirected "investigation" in the Pentagon Papers case. To investigators here DeDiego implied he would like some more immunity

More immunity
A month before Watergate, someone broke into the Cialman embassy, prying open deaks, scalicing files. At the time protesting Chilean diplomats blamed it on "bandits."

If involved, DeDingo could be a little late, Bernard Runker and Eugenio Martinez, whom he fingered in the history burglary, both testified before a federal grand jury in Washington on Friday. They had Immunity.

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### Implicated Cubans Are Heroes To Miami's Exile Community

### By ROTERTO FABRICIO Peralt Staff Weiter

has every body thinks Miancie Waternate defendants are therefore burgiars.

"The n men are hernes with lathever they were tooking communion. We then it give the n a medal ineread of terowing them in jul," said Attorney Mario Laborcerntle

lace mark that remark while appearing on William Parkay's "Firing I me" propram with P. Heward Hant, of the Water ate Affair. Tany both were discussing post CIA cherations.

A MIAMI Cuban woman copre, and memay and haffle. ment while watching the Senate Waterprite proceedinge in front of a Little liavana television store.

"It is a rew world, I don't understand how they can do thes to this great President and to there patriots," she

The world. in a some, did pres her. Broker and hie Walength of there's by As thogs ed and hunding as their action of care new, the Minn's Care the grant were just the gree national thing.

"We ric past of the people," · al thather in his concluding to the may before the Senare co on the "Me are just nian people who believe that re ! at."

BARKER AND the others are the represents of a U.S. and U.S. spresored Til Charles who were

### NEWS ANALYSIS

geared and directed to work surreptitiously toward the liberation of their country through whatever means they found necessary.

Like many of the obsolete arminionis created during the Cold War years, most of which have never been used, the Cuban exiles were trained and psychologically motivated by the United States.

The Central Intelligence Agency funded and sponsorred these groups even after the Bay of P.gs fiasco, for which they initially were recruited.

The United States pulled out from the open sponsorsnip of anti-Castro operations after the Cuban missile erns in October 1962 but st a continued to use anti-Cartro Cubans in a more subdied fashion up thatil 1909 AY and doth then was a much sou, ittorier commodity.

AND THIS hard-line, anti-Commence real was bred in the congressed streets of Miami's f. tile Havana. It is the result of the traumatic idenlogical and emotional experience which has its mots in too Cuhana' flight to the United States.

"The were rumors in Mine that the Castre gov-

ernment was aiding the Democratic Party and more specifically Mr. McGovern," Barker said.

After more than a decade of frustration and ideological alienation by a fluid political climate that saw increased accommedation between Cuba and the rest of the non-Communist world Cubun exiles throughout the world became restless. Those trained to fight communism, like the Watergate Cubans, were even more anxious.

"It is sad to realize it now but I guess we, our group, was ripe for this kind of thing to harren to us," said Milini Chian who was involved in the Daniel Elisberg break-in and who was with Barker in Washington for the disruption of enti-war demenstrations at the Hoover fu-

THE TYPE of political paranois that allowed these men to ereage in political espionage believing that they were aiding the world's anti-Communist cause may seem as a smoke screen or a bland excuse to the rest of the world, but to Cuban exiles it is not as far-fetened an idea.

In a sense, because of the image that McGovern reflect. ed through the media, he became a target among

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Cuban exiles. The Spanish attacks against him bordered on libel. His new liberal views and his admit, on that he might negotiate with Castro's. Cuba were, like a builfighter's red cloth, too much to resist.

Reinsido Pico, another of the Hoover Cuban demonstrators, said it simply in a recent Herald interview:

"BARKER WAS our contact for CIA work for Cuba and everytime I would see him on the street I would ask if something was working and for a few years he would just shake his head and say 'no'.", said P.co.

"Suddenly last year he said Eduardo (E. Howard Hunt's code name) was in touch and that at last we would have a chance to work together again for Cuba," he added.

Thursday Barker claimed he felt that by aiding Hunt, in whom he said he saw, "a high representative of the U.S. government," he was in a sense making an investment, doing a favor that he could come back and cash in at a later date.

Action came at a time when they felt threatened by all sides.

Perplexed and shocked by the turn of events surrounding Watergate and their fellow Cubans, most Miami exiles are likely to respond by sinking further into political apathy.

Much like the Bay of Pigs and the Missile Crisir, they see Watergate as a defeat.

## EUNCH WITH McCORD

### New Notoriety Has Left Him Out in the Cold as a Spy

By GENE MILLER Herald Staff Writer

WASHINGTON - James W McCord Jr., spy, burglar, witness, sipped his Budweiser at lunch Thursday, ordered the \$2.95 chef's salac. and said casually that he dbesn't think John Mitcheil will jump out a window.

"He'll talk," McCord said. "A' guy at his age - he's got no place to go."

McCord is 49. He looks it. but up close he is not the heavy he projects on the nut-

works from the congressional chamber.

NOR IS he humorless.

"Do I get a toupee?" he asked his lawyer, Bernard Fensterwald, who informed McCord he will face the ration and a make-up man Sin-

"Wear a blue shirt," instructed his counselor, who refers to his client as "the jailbird" when he dials Mc-Cord's home.

"I don't want you to bei ' illed into a false sense of se-

curity," Fensterwald plained.

THE FACT is that McCord is staring at a 45-year sentence - and apparently he is cooperating as fully as he can in quest of the mercy of the court.

'n the privacy of his lawyer's sixth-floor office in the Christian Science Monitor . Building here, where the men's room door is taped so., it won't lock accidentally, McCord cooperated with still another law enforcement of-

ficial Thursday, Dade State Attorney Richard Gerstein. Geritein was in town talking to Watergate figures. He would like nothing more than. an 'honest-to-goodness Florida conspiracy prosecution.

McCord spoke Thursday of plot to bug the Fountainebleau Hotel during the Democratic National Convention last summer.

"We had the blueprints," he said. "Liddy told Hunt and me that he had the maintenance and security at the Fountainebleau in his pocket

- and I took that to mean that he had them on the payroll."

THE SCHEME went awry when District of Columbia police caught McCord and Lernard L. Barker and his Miami Cubins inside the Watergate on June 17, compilcated further by their subsequent convictions with White House aides G. Gordon Liddy and E. Howard Hunt.

Barker is a resident of the tederal prison at Danliury. Conn. McCord feels that

Barker, too, may be quite co-

"I think he played a larger role than he has been given credit," McCord said.

.The "highly compartmentalized" nature of the operation, he said, restricted evervone's knowledge.

MCCORD said, though, that he "heard" that John Caulfield, the former ccp. and John Mitchell, the fcrmer attorney general, talked about illegal strategies in March 1972 in Boca Raton,

Fla. And he also "heard" that Mitchell had similar discussin,s with Job Magruder at Key Biscayne in February

Myrtin Dardis, chief invitstigator for Gerstein, showed McCord some photograpis. McCord identified - for the first time - Renaldo Pico ard Felipe DeDiego as uncaught prowlers at the Watergate in an earlier break-in during Memorial Day weekend, 1972.

His own two trips to Florida, he said, concerned "strictly security" business. This was before his recruitment as the unlawful "electronics man" through the Committee to Reelect the President.

To the TV camera crew spoke outside. Gerstein inconclusively of the burglary of the Chilean empassy, the burglary of the office of a lawyer for the Vietnam Veterans Against the War in Gainesville and the burglary of his own office - all unsole ved.

AT LUNCH with his law yers, in the basemen' Falstaff Room of the Shera ton Hotel, McCord acknowl edged his instant celebrit status. He's on the cover ( Newsweek this week.

"Public Enemy No. 1 deadpanned the ex-F agent.

As a CIA spy, he has I Even the bell capt sidled to the table to tell ! outs

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McCord had but one concern: Was the man law enforcement or press? Law enforcement he accommodates.

He receives substantiai fan mail — "98 per cent favorable."

"AND WE didn't frum that up," he added, in not-so-oblique reference to the CREP's phony mail campaigns.

paigns.
""Itimately," he intends to
write a book. Publishers
beseech him.

But thus far, Fensterwild said, "they're too cheap."

The crucial specter that chviously haunts McCord, though, is prison. Will he go?

"I DON'T have the slightest idea," said McCord, free on \$100,000 bail.

Federal Judge John Sirica set settencing for June 15. Fensterwald hopes for a postponement. Because of President Nixon's May 22 admissions of a White House coverup, Fensterwald hopes also for a new trial.

"You win some and you ose some," Fensterwald said, as his partner, William G. Ohlhauser, cringed. "You don't tell a client that."

The client blinked. He made no attempt to pay for lunch with a \$100 bill.

# DeDiego: have no more to say

By LOUIS SALOME

Miamian Felipe DeDicgo has told some interesting stories so far about political burglaries and undercover intrigues.

But despite some prosecutors' opinions that he has even more to tell, DeDiego insists he knows no more about politically inspired break-ins hatched before or during last year's presidential campaign.

Dade County State Attorney Richard Gerstein believes that DeDiego, if given immunity from prosecution, will talk about the burglary in May, 1972, at the Chilean Embassy in Washington.

And now, investigators from the Senate Watergate Committee have subpensed DeDiego, hoping that he will talk about matters such as the Chilean Embassy breakin.

Still, DeDiego insists that he has no knowledge about that break-in or anything else, and has nothing more to say.

"I do not think our group (Cuban exiles from Miami) was involved in the Chilean Embassy (break-in)," he told The Miami News in an interview Friday.

DeDiego, who was involved in the abortive ClAdirected Bay of Pigs invasion in 1961, admits to working with the ClA a number of times, since then. Although he won't discuss those operations, he says they always related directly to Cuba and in no way related to domestic American politics.

DeDiego says he participated in three operations with the group of Cuban exiles from Miami who were led by convicted Watergate burglar Bernard Barker.

First, there was the breakin at the office of Daniel Ellsberg's psychiatrist on Sept. 3, 1971, in Beverly Hills, Calif.

Second, there was the trip to Washington in May, 1972, with nine other Miamians to cisrupt war protests at the funeral rites of J. Edgar Hoover.

And finally, DeDiego said, he went to Washington with five other Miamians about two weeks before the abortive Watergate burglary for an operation that broke down at the last minute.

DeDiego said his involvement with politically inspired activity began in February or March, 1971, when Barker showed him a letter or a rote from convicted Watergate conspirator E. Howard Hunt. At the time, DeDiego worked for Barker in real estate here.

The note said, according to Barker, "if you are the same Barker I know, please contact me." Hunt, whose code name was "Eduardo" was a key CIA planner o! the Bay of Pigs invasion.

As a result of the note from Hunt, DeDiego said, he, Barker and Eugenio Martinez felt that "something is cooking." DeDiego said, "for me, it means something is cooking regarding Cuba. Cuba is the only thing we have in our minds."

Martinez, like Barker, was arrested inside Democratic National Committee head-quarters at the Watergate Hotel in June, 1972.

DeDiego said that on April 17, 1971, the anniversary of the Bay of Pigs invasion, Hunt came to Miami and spoke to Barker.

On April 18, DeDiego said, Barker told him he had met with Hunt. DeDiego said

Barker told him, "There is very good news for us beckuse I believe something is coming up for our cause." Delliezo said Barker asked himili he was ready, and Delliego said he answered "yes."

DeDicgo said Hunt and Barkel met again and Hunt told Barker he was working for a "new agency," which was not the FBI or the CIA but which was set up to maintain national security.

At that time, Hunt told Barker there was a job to do in California and that he wanted qualified people.

"Among us we said we were doing something for the government and we were sure some or later we will get back help for our cause. That was the only reason we we ne involved," DeDiego said.

He said that anything the United States could do to fight Fidel Castro would be helpful because "anything is good for us when you have nothing."

DeDiego said he did not know what he was going to do when he. Barker and Martinez left for the Beverly Hikon Hotel two or three tiays before they broke into the office of Daniel Ellsberg's psychiatrist. "We didn't ask

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any questions," DeDiego said.

DeDiego said he and Martinez later got a briefing from Barker but never saw Hunt or heard from him. After they were told what to look for, DeDiego said, "We did it. We got inside. I did not find anything, and I don't think anybody else did either," referring to the psychiatrist's file on Elisberg for which they were searching.

# Vaiergaie panel

By LOUIS SALOME Miami News Politics Writer

admitted taking part in the rizing a phony letter smeartrist. They hope to get infor- presidential primary. mation about other politically-inspired burglaries.

tors Saturday in Miami also Segretti, and, they said, they subpensed the records of did not know him. They also Avanti Press of Hialeah to said they did not print ally determine if indicted political political propaganda for suboteur Donald H. Segretti Segretti. had political propaganda printed at the plant during would be sent to the Senate last year's presidential canipaign.

DeDiego was given the named Segretti. subpena Saturday night after being questioned in State Attorney Richard Gerstein's office for more than four hours by Watergate investigators R. Scott Armstrong and Mike Hershman.

DeDiego showed a subpena calling for him to appear in Washington at 1 p.m. June 18. He said, however, the investigators told him the subpena could be withdrawn before his scheduled appear-

Before DeDiego emerged from behind closed doors, Jose Arriola Sr. and his son. Jose Arriola Jr., operators of Awanti Press, walked out of Cerstein's uffice after a coupe of hours of on-and-off questioning by investigators. They said the investigators subpensed their company's records for the Watergate committee.

. Four telephone calls are known to have been made Investigators for the Ser- from Segretti's telephone to lite Watergate Committee the office phone at Avanti have subpenaed Felipe De- Press. Segretti has been Diego. a Miamian who has indicted on charges of authobreak-in at the office of ing three Democratic candi-Daniel Ellsberg's psychia- uates in last year's Florida

But the Arriolas, father and son, said they had no Two Watergate investiga- records of any contact with

> Both Arriolas said a letter committee, stating officially that they have no records of having done work for anyone

The two investigators also suestioned, although very briefly, Reinaldo Pico in addition to DeDiego and the Arriolas. Pico, DeDiego and eight other Cuban exiles from Miami went to Washington in May, 1972, to disript anti-war demonstrations

at funeral services for J. Eigar Hoover.

DeDiego, Pico and Jose'Arriola Sr. were suppenaed Friday by Gerstein and ordered

to appear at his office at 11 a.ni. Saturday. Gerstein suid he issued his subpenas

merely to accommodate the investigators.

The three men did not know they were going to talk, to lederal Watergate investigators until they arrived at Gerstein's office Saturday morning.

Neither Armstrong nor Hershman would comment on exactly what they trere aftor. But it appeared they wanted Pico and DeDiego to talk about other politically inspired spying, sabotage and burglar activities they may know about besides the Watergate and Ellsberg cases.

1: appeared also that neither Pico nor DeDiego Wants to talk without being given immunity from prosecution or at least a guarantee! that any additional information they give won't go beyond the Senate committee. althouga DeDiego still insists 'ie knows nothing else.

Gerstein's office believes hat DeDiego has informaion about the break-in at the chilern Embassy in May 972, but DeDiego says he oesn't.

Senate Watergate The Committee is officially called he Senate Select Committee on Presidential Campaian Activities. The appearance of the two investigators here itdicate; that the committee is pushing aggressively nevoted Watergate itself and into other areas of political espiopage and sabotage, such as the Segretti case and the Chilean Embassy break-in.

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DeDiego went behind closed deors for questioning at about 2:30 p.m. Saturday. He did not leave with his fresh subpena until 7:10 p.m.

Ouring a brief break in his

questioning, DeDiego told a reporter he was being asked about his "background, from the beginning." "It's like tell me your life," he said.

When DeDiego emerged for good, he showed the new subpena and said the investigators asked him "about the Chilean situation."

He told a reporter, "I told them (the investigators) i' don't know anything about Chile." Beyond that, DeDiego would say nothing except that he was quizzed heavily about his background.

Reliable sources told The Miami News that federal officials would try now to determine if any further testimony by Pico and De-Dingo on other matters could be limited in its use to the Senate committee. In other, words, they want to find out if Pico and DeDiego can be given immunity on hitherto unrevealed matters.

Pico, along with a lawyer, Luis Salas, was called for questioning at about 11:20 a.m. Saturday. He left at about 12:15 p.m.

Salas said Pico was asked about his background. He said that the question of immunity was discussed but that mmunity was not given and that no decision was made about it.

He said that Pico was not subpensed to appear in Washington and that he did not know if Pico would be subpensed. Judging from Pico's brief quizzing, it appeared he refused to answer any questions of substance about Watergate-related matters.

Jose Arriola Sr., who appeared at Gerstein's office with his wife, Lucretia, went in for questioning at about 12:45 p.m. Saturday.

He emerged at about 2:25 p.m. and said nothing, except that he was going out for lunch and would return with his son.

The Arriolas returned at about 3:10 p.m., and an hour later Jose Arriola and his son went back in for questioning.

When they emerged a short time later, the Arriolas showed a subpena, which asked that any "materials or documents" or anything else they have relating to the 1972 presidential campaign be sent to investigator Hershman.

The subpena said, "including but not limited to the events involving the breakin and the election surveillance at the Democratic National Committee headquarters at the Watergate and related events prior and subsequent thereto and all political literature purchased,

by Donald Segrettl or A. K. Dinaldson."

Asked about the calls from Segretti, Jose Arriola Jr. said, "We get so many calls in one day but I doubt it very seriously that he called. For a fact, we know we didn't do any work for Segretti. I know for a fact that no one by that name ever talked to us (him or his father)."

But both Arriolas said they were friendly with convicted Watergate burglar Bernard Barker. The elder Arriola said of real estate man Barker, "We made a brochure for him for a condominium."

It could be, the Arriolas said, that Segretti called Barker while he was at the office of Avanti Press. That's anybody's guess, the Arriolas said.

The younger Arriola said the company does not do any political work even locally because it is nonunion. "As far as we're concerned, we never talked to Segretti/or anyone with a name close to that or about any political work," the younger Arriola said.

(Mount Clipping In Space Below)

## Miami-Watergate Links Probed

BY DOUG CLIFTON and
ROB ELDER
Herald Staff Writers

Two separate investigations are chipping away at a wall of secrecy surrounding Miami aspects of the Watergate scandal and related political sabotage.

Staff investigators for the Senite Watergate Committee are exploring whether Miami Cubans were involved in two additional break-ins, one in Washington and another in this city.

If a federal judge allows the Senate's televised hearings to resume today, some of the questions fired at this week's witnesses will be based on information gathered here during a weekend bit wirtually non-stop interviews by two committee investigators.

State Attorney Richard Gerstein's office, meanwhile, is taking new testimony regarding alleged plans by the Watergate conspirators to disrupt last summer's Democratic and Republican conventions in Miami Beach.

GERSTEIN IS also probing the possibility that White House officials were on Key Biscavne when they approved plans for bugging the Democratic National Committee headquarters in Washington

Here's where the two in-

• Sources close to the Source Committee indicated that it will focus this week



Felipe DeDiego ... was questioned

cn the Miami connections of the known Watergate figures, especially former White House aide E. Howard Hunt Jr.

For the time being, these

sources said, the Senate probe probably will deal-nar-rowly with the Watergate break-in and the attempted coverup of that one crime.

But later, the focus may be expanded to include the May 13, 1972 burglary of the Chilean embassy in Washington, and the July 4, 1972 attempt to break into a safe in Gersiein's office in Miami, apprently in an unsuccessful attempt to steal files relating to Watergate.

While they were in Miami Saturday and Sunday, the Senate probers also sought to determine whether there is a Miami connection linking the Watergate operatives with the separate series of political "dirty tricks" attributed to Donald Segretti, who has

been indicted in Tampa for a phony letter that smeared three Democratic preside tial cand dates.

● In the other investigation, Gerstein said he is negotiating with Fred Vincent Jr., attorney for former White House staffer Fred La-Rue in an attempt to work out an agreement under which LaRue may testify here.

Gerstein wants to ask LaRue about a Key Biscayne meeting at which former U.S. Attorney General John Mitchell approved the Watergate bugging, according to sworn testimony by John Ehrlichman.

Martin Dardis, Gerstein's chief investigator, was studying a transcript of the Ehrlichman testimony Monday.

Fhrlichman's statement was made earlier in Washingtq1.

Gerstein said he also wants to question Bernard Barker, the Miami real estate agent already convicted for the Watergate burglary. But so far, Barker's lawyer has not agreed.

Taking a different tack, Gerstein's office was preparing Monday to take new testimony from Miamians who are known to have worked with Barker on other occasion, but who were not charged in the Watergate burglary.

These persons, it was learned, may be questioned about alleged plans to use three separate teams of Miani Cubans to foment trouble at the national conventions. Such teams were described previously in sworn statements by Angelia ca Rohan, a Miami secretary and Pablo Fernandez, a Miami shop clerk.

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MIAMI HERALD

HIAMI ,FLORIDA

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o In a related development, John Ek, 3 former Castro agent, gun dealer, and currently a Miami private detective, told The Herald he was contacted last April by "one of the Watergate figures."

Ek said he was offered \$50,000 to "do a bugging job in Washington, D.C." The private investigator, known as an accomplished electronic eavesdropper, said he sold the caller he was not interested in the proposal.

At a later date, Ek said, he got another call from one of the Watergate burglars, who offered to buy some of Ek's more sophisticated equipment. Ek says he again refused, and then got a third call asking if he would rent the equipment. Again, Ek

says, he said no.

Finally, Ek told The Herald, he got still another call from a man whose identity the detective says he tan't recall. This inquirer wanted to know "if I wanted to make some money joing electronic surveillance of some of the protest groups at the Democratic Convention." Ek says. Again, according to Ek, he turned down the job.

IN THEIR Miami interviews during the weekend. Scott Armstrong and Mike Hershman, staff investigators for the Senate committee, questioned at least four Minimans — Felipe DeDiego, Reinaldo Pico, Jose Arriola Sr. and his son, Jose Arriola Jr.

DeDiego has admitted he helped Basser burglarize the Los Angeles office of Dabiel Ellsberg's psychiatrist. Both he and Pico admit they went with Barker and seven other Miamians to Washington for the funeral of former FBI chief J. Edgar Hower, where they tried to start fights that would disrupt speeches by Ellsberg and other anti-establishment figures

The Arriolas operate a Miami printing firm, Avanti Press, one of whose phone numbers was called at least four times last May by Segretti.

But they insist they received none of the calls, and don't know who did.

MEANWHILE in Tampa, Raymond LaPorte, Segretti's attorney, filed a motion to dismiss Segretti's indictment for helping to distribute a phony campaign letter accusing Senators Hubert Humphrey and Henry Jackson of sexual misconduct.

LaPorte said the law Segretti is alleged to have broken is unconstitutional because it violates First Arrendment rights to freedom of speech.

The statute makes it a misdemeanor to distribute a statement about a publicly declared candidate without properly identifying the author of the statement.

The government has charged that Sepretti, with the help of Tampa accountant George Hearing and Tampa Young Republican Robert Benz, wrote the letter on stationery taken from the campaign headquarters of Maine Senator Ecmund Muskie.

LaPorte's motion to dismiss the indictment will be heard today before U.S. Magistrate Paul Game. On Wednesday the Federal grand jury in Tampa will reopen its inquiry into other acts of political sabotage in Florida's presidential primatry.

U.S. ATTORNEY John Briggs said Monday that Thomas McBride, an investigator for special Watergate prosecutor Archibold Cox, will be present at the grand jury meeting.

Briggs will confer with McBride in an effort to get a be: ter concept of how Segretti's activities in Florida relate to the national Watergate scandal.

"He's looking at a forest."
Briggs said. "And wa're looking at some trees. Maybe we'll be able to help each other."

### Coverup Pay-Offs Included

\$10,000 for

'Under Table' Use

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MIAMI HERALI

MIAMI, FLOR!

7/19/

#### BY ROB FLDER Herald Slatt Writer

The Watergate coverup included a mysterious \$10,000 payment through the late Dorothy Hunt for "under the table" use in Florida, Senate testimony revealed Wednesday.

Anthony Ulasewicz quoted Mrs. Hunt as saying the money was needed by Bernard Barker, one of four Miaans arrested in the Watergate Burglary.

But, Ulasewicz told the Senate Watergate committee, he got the impression that

the money would be given by Barker to someone other than the burglars, their families, and their lawyers.

"MRS. HUNT . . . said that there was \$10,000 necessary to give to Barker for use under the table," Ulasewicz testified.

"I asked if she could be more specific. She. . . insinuated it was for some other persons who may have been involved in this situation someone in Florida . . . someone other than the names she had given me."

Several Miamians not ar-

rested in the Watergate burgiary are known to have worked for Barker in other clandestine operations.

Pablo Fernandez, Reinaldo Pico. Humberto Lopez, Angel Ferrer and Felipe De-Diego have said they were recruited to disrupt speeches by Daniel Ellsberg and other radicals at the funeral of J. Edgar Hoover in Washington in May 1972. The group recruited for the Hoover funeral also included the Miamians arrested June 17. 1972, in the Watergate burglary. They are Barker, Eugenio Martingz, Frank Sturgis and Virgilio Gonzales.

DeDiego has admitted he also helped Barker burglarize the Los Angeles office of Ellsberg's psychiatrist.

ULASEWICZ, a former New York policeman who worked as a secret agent for the White House, said he gave Mrs. Hunt the \$10,000 as part of \$154,500 he relayed to her from Herbert Kalmbach, President Nixon's personal attorney at that

Except for the \$10,000 for

"under the table" use, he said, it was his understanding the money was for "legal fees" of the Watergate defen-Hants. "plus support of the r families."

Ulasewicz did not explain why the payments were made through Mrs. Hunt. who died in the crash of a in airliner commercial Chicago last December. Her husband, E. Howard Hunt Jr., was one of those convicted in the original Watergate case.

l Others who apparently benefited from the payments

were James McCord, G. Gordon Liddy, and the four Miamians. All except Mc-Cord are now in prison.

ULASEWICZ denied that the payments were an illegal pay-off to keep the defendants from implicating oth-

But in an apparent reference to the Miamians, he quoted Mrs. Hunt as saying that "things were very hard to control down south" and that with more money, "it would be easier for Mrs. Hunt to control these peo-

Ulasewicz indicated it was up to Mrs. Hunt to divide the money among those for whom it was intended. In the first payment, he said, he gave her \$40.000 "to spread. around for the needs of the families."

Later, he testified, he gave Mrs. Hunt payments of \$43,-000, \$18,000 and \$53,500, all without instructions as to how she should divide it.

WORKING in a separate ! Miami investigation, State Attorney Richard Gerstein's office has accounted for i remainder to the women.

about \$16,000 received here According to Gerstenn's of fice, this money was received by the wives of Barker, Gon zales, and Sturgis, and by Martinez's fiancee.

Miami businessman Manu el Artime has said he relave the money to the women. Ac cording to Artime, h received \$12,000 in perso from Howard Hunt an \$9,000 in the mail from a unknown source.

Artime says he sent \$5.50 to a Washington lawyer fo the defendants, and gave th

# DeDiego balks at Cox request for testimony

BY LOUIS SALOME Miemi News Politics Wither

The district for Miamies Take DeDirentsaid the ofto ~ of which I Waterpite presenter Archibild Con has asked DeDiego to testify refere the Watergate grand jury in Washington.

But at this point, attorney Dana Brigham said, federal prosecutors have not offered DeDucco immunity. "Unless he (DeDiego) gets immunity. he's not going to testify, said Brigham.

Brutham said it is still possible Cox' office would grant Immunity if DeDiego agreed to be a witness for the state.

There have been reports recently that DeDiego, a reffe tor, will be indicted in a week or two by the Watergate grand jury on federal charges stemming from his admitted participation in the 1971 breaken at the Los Ansoler office, of Daniel Ells. berg's psychiatrust.

the Water, site grand jury reportably will also milict consisted Watergate burplers Bernard Partier and Lugenio Martinez, also of Mientils Cuban community, for , or alleged sole it the the in of the terg's possible

u a r a grant of lumumay before a Los Angeles County grand jury strout his partice-

office brenk-in. Los Angeles authorities said yesterday they will not prosecute him.

The same grand jury last werk indicted former highranking White House aide John I.Fr.ichman and three other persons in connection with the Ellsberg break-in.

DeDiego testified earlier this year before the original grand jury in Washington, which was investigating Waterrate before Cox was assigned the job and before a new apecial jury was may be indicted. impaneled.

minualty from that Jury also-

nation in the psychiatrist's as DeDlego testified on various matters relating to Watergate and other Cuban exile activity of a political nature.

> Brigham said, "He (De-Dicgo) is not afraid of anything. He's been there ence. He told his story to Silbert (Assistant U.S. Attorncy Earl Silbert, one of the original Watergate prosecutors). I mean, why keep beating a dead horse and chasing him?"

Brigham said he has not received any indication from Cox's office that DeDiego

"My advice to DeDiego is He reportedly had received it would profit him nothing to go before the grand jury : they plan to indict him. The haven't made clear thei. intent. It doesn't make sensfor them to say, you do uall the favors and we'll de none for you," Brigham said.

Brigham sald he communi cated with the prosecutor here by telephone and hy letter a number of time. "Their interest seemed more of a general witchhunt an. an attempt to make acape goats here," Brigham said.

He said the properties to end in 2 -- etc . . . . they did show interest . find ag out more about the May; 1572, break-in at the Chilean Embassy in Wash ington.

MIAMI

Date: 9-12-73

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Samuel in a fiftien

Being investigated

## A Was a Soldier

# Coviet Embassy Was Bugged, Barker Says

## By POBERTO FARRICIO

The White House "plum bris" unit had intercented and traid tadio communications of the Societ Embassy pass in the Felling Index papers," constituted Waterpate burglar Bernald Bulker Saturday say then White House aide E. How and Hunt told him.

"Then the Howard Hunt the hard resident had tap if contract the of the Soviet Embers, and that the tapes proved the Soviets were in the tree assets of obtaining the repeated society. I decided the commonly distributes common Hagner to cooperations and in ever.

Indian released from prices for the spiral buffer spiral of his two-prices and the water, and the water, are buffer the Water, are buffer or the Water, and the water, are the water, and the water, are the water of the water, and the water of the water, and the water, are the water of the water, and the water of the water, and the water of the water of the water, and the water of the water o

LAST JUNE. Nixon Addininistration-cources said the Soviets obtained a copy of the documents the day before a Federal Court issued a restraining order barring the New York Times from publishing the reports.

The Soviet Embassy, according to FBI reports, received the Pentagon Papers before they were published.

Hunt, who was freed on an appeals bond Wednesday, has not been available for comment.

"I can remember Hunt telling rie, 'The Soviet Embassy' has been begged and we have tapes with conversation (Indicate page, name newspaper, city and

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MIAMI NEWS

MIAMI, FLA.

Date: 1

sind along that they have rate of the word of The word of Them largers, "I said it work."

Buth r and her of teel esters alloss in isope Delhero were in theirs of a team that looks into the offices of Daniel Lipherg's psychiatrist in Los Angeles in September 1974.

Elisberg, who has admitted to pressing the papers on to The New York Times for publication, has not been linked to the leak of the documents to the Soviet Emhassy, however. A still-mysterious man who signed a letter with a false name passed the papers to the Soviets, according to FBI reports.

"I CONSIDERID that the banding out of national secrets was a betrayal of this country," said Facker Saturday from his denter's office in a Little Havana Cuban clinic.

He was being treated for facial paralysis he said he contracted while in the Federal Prison at Uglin Air Force Base

"I thought that rian (I'llsberg) was a traiter and I decided that I would serve my country by consenting to do the work asked of me," said Backer.

There have been unconfirmed reports earlier that Soviet Embassy limbusines had been bugged but Barker is the first Waterbate figure to styrthat there are tupes of the compassy's intercepted conversations.

Elliberg and Anthony Russo Jr., both enetime re-earchers with the Rand Corp. in California, were

Bernard Barker. Wife Clara Stroll on Flagler Street

charged with conspiracy, espionates: A their of pivernment property in contaction with discussive of the documents.

U.S. Destrict Counts Judge Matt 55 iles Jr., citing severe governmental miscenduct (based on Bicker's entry in the psychiatrist's office) dismissed the case against the two men laters it went to a federal grand jurn.

"WHEN I ASSESS why the

FRI and the CEA could be the job I was told by first that supreme Court raises prevented that lift for the git and that the LIA case.

Turn to Page 26 to LT

of Burker.

of guess I could for a bept king questions but I was a ldier in the operation and I haved I was working for a government and I recidtio carry out my orders."

al Barker. I noking relaxed and joy all a he embraced friends and old people that with the experience of his facial paraixsis a way feeling time, Barker aid treatment, and medical treatment and medical treatment at the light prison agreeworse than he discussed rid iv.

"I thought about the overight and I must admit that I promised the crying wives of prisoners at Eglin teat I would speak out against what I consider criminal neglect in medical attention to prisoners," said Barker.

eTHERE ARE about 500 inmates there and not a single doctor to attend to them, just make murses who have no authority to prescribe or to give abequate treatment."

represents presents at Felin are on the final months of their sentences they have to take all the verbal abuse given their and the medical relation with their mouths.

ther," said Barker.
"It would have protested there want a dark mark on my record which about have prevented my parole," he added.

Prison Superinterdent the Rhedes said there is a clima at Egin and that two sedies' staff it and that he felt the facility and services were adequate. Bark resaid it took him 14 hours to get medical attention after the limit of the facial paralysis, which he said resid have been caused by a service.

As Barket strpped outside the Centro Bearing climic at 1422 W. Flagler St. several prisons who recognized him and about five personal friends stopp d cars and visited over to preet him and congratulate him on his release.

Barker was freed while his sentence is appealed. He could be paroled in June, however, and might not have to return to prison in the Watergate case. The Watergate Grand Jury, however, has not indicated if it will indict Barker for his participal.

pation in the Ellsberg burgla-;

BEFORE BARKER and De Diego travelled to Los Angeles in Sept. 1971, they also had been involved in a mission in Washington, D.C. on May 4 of that year to disrupt anti-war demonstrations at the funeral of the late J., Edgar Hoover

A particular target of that demonstration was Daniel Ellsberg, "the traitor," De Diego said last year in an interview.

Barker said he hired Eugenio Martinez, a salesman in his realty company, for Martinez's expertise in intelligence work. Martinez has been a long-time CIA operative.

"I hired Frank Sturgis because he is hig and strong and is muscle and Villo (Virgilio Geneales) because he was a lockenith who was willing to go, said Barker.

THE TRREE other Mami

men will have a parole hearlegisticon on Milderin Washington and could be in Miami later this week.

Backer was emphatic that a year and a half after Watergate and with more than a year of jail still possible for the charges focung him, he is not sorry for what he did when he led four other meninto the offices of the Democratic National Committee at the Watergate office complex June 17th, 1972.

"Now, if I find out the things Hunt told me were lies. I might change my mind of what I did." he said. "But that is his own problem if he is lying.

"I cannot live his life. If he lied to me, he has to live with those lies, but I want to emphasize that I still don't think he was lying when he told me the work he asked of us was needed because of national security." he added.

Barker, who said being

caught inside the Watergate building was so far removed, from his mind that it went blank upon realizing he was being arrested, said he is sad his name will be linked with the Watergate scandal in history.

"I put my mind in a blank, I did not want to react, I just went blank and didn't think because being caught in there was the one thing I never had thought about." he said.

"I HOPE that history looks at the involvement of Cubans in this affair as a coincidence, because as a matter of fact we never really cared about any of the dury tricks that have come out later," he said.

"We agreed to cooperate because we felt it was our duty and because we felt we would engage Hunt and the White House in a debt to us which we needed help to free

BURNING THE MORPH AND THE PARTY OF THE

Cuba," said Barker.

Additional said Barker.

force to ask them for help,"
he added.

"There was nothing that is could gain from engering in a crimmal act that has brought about no more discrete to me and my forms," he said, "What I did I did thinking I was right."

Barker, 36, is the Cliving horn son of an American father and a Cuban mother. He fought in WWII, where beful captive to German forcast and was a prisoner in a National transfer for a months. He was in interface work in Cuba for a time and later was a bigginessman and boxing pressinan and boxing pressinan and boxing pressinan and later was a bigginessman and boxing pressinan and later was a bigginessman and boxing pressinan and later was a bigginessman and boxing pressinan and boxing pressinance and boxing pressinance

Once in the U.S. Le west Uto work for the Central intelligence Agency and was instrumental in organizing the Bay of Pigs invasion with

## Barker. Martinez. DeDicgo

# 3 Now Face. Elisberg Charges

35 ROBERTO FABRICIO

Worries of Watergate supper just long enough Friday night for Bernard Barker and Frank Sturgis to meet with about 200 Cuban Iriends paying \$50 a plate for steak to help them pay their legal expenses.

But with a background of charcha music going full blast their Washington lawyers Daniel Schultz, said their worries are far from

"I expect (Eugenio) Martinez and Barker and (Feliper DeDicgo to be indicted within the month for the entry in Dr. Fielding's office," he said, referring to Dr. Lewis Fielding, Daniel Ellsberg's Los Angeles psychiatrist.

Schultz also said that he had strong indications that his four clients would be,

indicted also for "particination in the cover-up and obstruction of justice."

"THEY really have no reason to feel entirely safe yet." Schultz said: "We still have at least two years (of legal maneuvering) ahead of us,"

The Watergate Defense Relief Fund organization raised nearly \$5,000 at Friday's dinner.

Attending were wealthy

(Indicate page, name of newspaper, city and state.)

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MI AMI HERALD

MIAMI, FLA.

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Author:

and middle class Cubans, many of them close friends of some of the convicted burglars and some just sympathizers in Miami's Cuban community.

Miami City Commissioner Manolo Reboso arrived while guests were eating New York strip steaks and to'd someone who greeted him:

"I want to sit at the table with the brigade." a reference to the Bay of Pigs invasion brigade of which he and Barker were members.

SCHEDULED TO speak were Manuel Artime, the Bay of Pigs invasion's civilian chief, Sturgis, Barker and Preynaldo Vergara, who heads the Relief Fund.

"May God bless President, Nixon so he can endure the

attacks upon him so the nation may survive," said the Rev. Ramon O'Farrill, a priest who gave the invocation.

Earlier, lawyer Schultz had said that even if his clients are having trouble coming up with the \$28,000 they owe him, he is not considering stepping out.

"There were not any more Cubans involved in the Watergate because no one else was asked." said Vergara. "Because we know if any Cuban had been told that there were Castroite documents in an office in Washington, there would have been not just four Cubans in the Watergate, there would

Turn to Page 3B Col. 1

# 3-Facing— Ellsberg Charges

have been thousands of Cubans in the Watergate."

Just before the dinner began, several Cuban women played piano and sang Cuban songs on a stage at the back of the Marriot! Hotel's dining room.

There were many embraces and emotional reunions by Sturgis and Barker with friends they had not seen since they went to jail, although they have been free on bond for more than a week.

In speaking to the audience, lawyer Schultz bitterly criticized U.S. District Judge John Sirica, saying that the four burglars "have in fact paid for the guilt of the real generals who have been spared the heavy sentences."

In referring to the possible indictments for the coverup and the doctor's office burglary, Schultz said, "this time the plea will be not guilty, and if they are indicted again, we are going to fight to the end."

# The Crisis Isn't Over Yet For Watergate Burglars

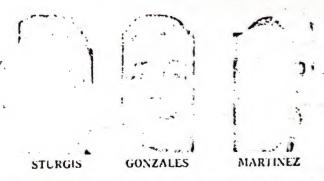
### By JUNE- KRONHOLZ Herald Staff Writer

Bernard Barker sits in a development company office in Hialeah, hubbling over the phone about the new apartments he's selling.

It's almost like the old days—the days before 21 months ago when I liker and three other Miamians were discovered prowling the corridors of the Democratic National Committee headquarters at the Watergate in Washington.

Barker, the leader of the Watercate quartet and the detendant who drew the heaviest sentence for his role in the break-in, has enjoyed freedom longer than the three men he recruited to help him.

Frank Sturgis, like Barker.



is back in Miami doing construction work and trying to start over.

THE OTHER two burglary associates, Eugenio Martinez and Virgilio Gonzales, are to waik out of Fglin Air Force Base Prison today for the first time in more than a year.

For Gonzales, his time in

jail is apparently over. But new indictments spinning out of the Watergate case are expected to bring two others back to trial, and a sentence for car theft faces a third.

Since his release from Eglin Jan. 7, Barker has become vice president of CAS-BAR Inc., a Hialeah development company building a 45(Indicate page, name o newspaper, city and st

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MIAMI HERALD

MIAMI, FLA.

Date

3/7/74

unit condominium called Fl

According to the corporation's charter, Miamians Weiterslap Castro, Harry Ryan and Peter Lopest are officers in the company.

BARKER calls horself the "promoter" of the 1055 W. 77th St. complex which already has sold are apartments for \$25,000 each, he said.

Barker himself answers the phone when it rings in his construction office and enthuses about the project like the long-time real estate salesman he is. But there is something he keeps in the back of his mind.

"The Ellsberg Indictments," he muses, "as if I

### Turn to Page &B Col. 1

didn't have enough to think about."

BARKER, Marring and a third man. Jalmo de Piego expect inductment tim, week for the 1971 burglary of the office of Dr. Lewis Fishing, Daniel Ellsberg's non-heatrist. The burglary occurred after Ellsberg released the "secret" Pentagon Papers.

"They the indoments) should be coming down pretty soon," agrees Washington lawyer Daniel Semitz who will represent Mactinez in the trial, "We've known about it for menths, you know,"

BUT EVEN with our the Problems in continuous and the trial that we did token, butker faces a return to I plot if an appeals court upto differ four-year to six that sent token be refer ed on South 6, 1973, for this token in the Waltergue burg'my.

bright, the says, her he will have to the wind to the wind to the years from the approxis community the few the first bind from the two manifests and the from the from the two manifests and the from the first bind from the two manifests ago.

FRANK STURGIS tracked tracking of peak bond in Lebruary and there then has been work up a sea subcontractor in Manne, "parting in director in Manne," "parting in director in the season of thing," his wife lanct says.

But life, she admits, hasn't been easy.

"We're trying to bick up the pieces and resume the lives we led before all this happened." she says, even though Sturges faces not one, but two prison terms.

In addition to the Waterpate burgiary sentence which Sturgis will have to serve if an appeals court upholds his conviction, the tall, curlyhaired former window salesman faces a nine-month prison term for transporting stolen cars to Mexico.

A FEDERAL judge in Miami handed down the sentence on Jan. 8, then granted Sturgis an appeal bond while he fights the conviction.

While Barker and Sturgis, this week face the prospect, of returning to jail, Martinez an i Gonzales face the prospect of freedom for the first time in 14 months.

The two were sentenced to one year to three-year terms last fall, and have been in jail since January 1973.

Like Sturgis and Barker, they were granted the right to an appeal bond, but turned it down.

"They chose to stay in and finish their time," their law-yer. Schultz says. "They didn't want to have to face the thought of returning to jail, they didn't want to have to worry about it again."

When the dark baired, clear smoking Gonvales returns to Mani today, his lawyer says, he'll return to the same occupation he left belyed 21 months ago — as a lock mith.

For Martinez, the future appears less certain. An independent, for the Diciding break-in could had to a lengthy and costly trial and another prison term.

BARKER HAS vowed that he and Martinez won't plead painwho, they did in the Watergate case. Instead, they

will fight the Fiel Legadages, claiming that they were required by E. Howard Hunt, the former White House aide, for what they thought was official covernment business, Barker said.

Schultz said he will challenge the indictments, and if that fails, he will ask District Judge John Siria to more the trial to Mirmi.

"Heck," he explains, 'wo is the to get a little sun and a flow Cubans on the jury while? were at it."

# 3 Miamians Are Included

July Indicts

ISix !

In Ellsberg

MIAMI, FLA.

Case

# Ehrlichman And Colson Accused

By JAMES McCARINEY

WASHINGTON — A federal grand jury Thursday indicted former top White House aides John Firlichman and Charles Colson, and four others, for the 1971 barglary of the office of Daniel Ellsberg's psychiatrist.

The two were named in the indictorant as how figures in the so alled Waterinte "plumners" egoin, which President a xim has admitted authorized.

The new indictment came as the se and in a series from the Waterpate she ad prosecutor's office, following the indiction that Iridam in which seven former bixon associates were accused of participation in the Waterpate coverup.

Both Elirischman and Colson were also charged Friday with consonacy and obstruction of justice.

IN THE NEW indictment the two were accused of "conspiracy against the rights of chirens" — in this case the psychiatrist, Dr. Lewis I Fielding The charge is a felore, with a penalty of a fine of up to \$10 000 or 10 years in jail, or both, Fhelichman was also indicted thursday on four counts of permity before the grand jury and FBI agents.

Named with them were three convicted Waterzate hurglars, G. Gorden Liddy, Bernard Barker and Eugenio Martinez, both of Miami, tolus felipe De Diego, also of Miami.

Three others were named as coconspirators in the Elisberg burgiary, but were not indicted — Fail Brogh Jr., David Young and I. Howard Hunt, all former White House staff members.

Krogh has already pleaded guilty on similar charges and Young and Hunt were granted immunity in the investigation for cooperating with authorities.

The indictment, which was returned before Judge John

Turn to Page 181 Col. 1

Sirica, said that the six defendants, and the three coconspirators, "unlawfully, willfully and knowingly did combine, compire, contederate and agree... to injure, oppress, threaten and intimidate" Dr. Fielding.

IN INVADING his office on Sept. 3, 1971, the indictment said, the conscirators violated Dr. Fielding's rights "to be secure in his person, house, papers and effects against unreasonable searches and seizures" — rights guaranteed by the Fourth Amendment to the Constitution.

Ehrlichman was also charged with rinking a false statement to EBI investigators and with three counts of making false declarations to a grand jury or court.

Ehrlichman, who rose to become Nixon's ten domestic adviser and was videly considered one of the most powerful men in the tirst Nixon Administration, was accused of helping to the the burglanguage from the begin ning.

The indictment spanifically accused him of approving "a covert operation" to examine Dr. Fielding's medical files, proposed officially on Aug. 11, 1971, by Krogh and Young.

On March 27, 1973, long after the break-in, the indictment said, Ehrlichman "caused the removal of certain memoranda" about it from White House files.

EHRLICHMAN WAS also In on discussion of financing the operation and plans to "get information out" on Ellsberg, the indictment said.

Ellsberg, a former Defense Department official, has acknowledged leaking to the press the Pentagon papers, a secret government history of the escalation of the Vietnam war.

The Nixon White House apparently decided to attempt to discredit him publicly in 1971 and the break-in was staged to obtain information to smear him.

COLSON'S role according to the indictment, began on July 25, 1971, when he received a memorandum from E. Howard Hunt entitled "Neutralization of Ellsberg," which discussed a proposal "to obtain Ellsberg's files from his psychiatric analyst."

After that, Colson is accused of playing a role in obtaining money to pay Hunt and Liddy for staging the burglary and preparing a plan to disseminate information about Ellsberg.

The indictment said Colson obtained \$5,000 to pay for the burglary from the Trust for Agricultural Political Education (TAPE), a political fund-raising arm of American Milk Producers Inc., involved in the colebrated Nixon "railk fund."

The indictment said Colsos gave the money to Krouk who thursed it over to Liddu

THE STORY of the Field-



John Ehrlichman ... lying charge

ing burglary has become a familiar part of the Watergate drama, and is asserted again in the indictment. Liddy and Hunt put together the team, the indictment charges, and traveled to Los Angeles to stage the abortive burglary. Barker. De Diego and Martinez are accused of entering the doctor's offices.

In a separate court in the indictment, Ehrichman is accused of lying to FBI agents investigating the facts behind the burglary. The indictment said he falsely told the FBI in May of 1973 that "it had been over a year" since he had "seen anything on the "Pentagon Papers' investigation."

According to the indictment, Ehrlichman also lied when he told a Washington grand jury on May 14 last year that he learned of the break-in only after it happened.

The indictment accused Ehrlichman of lying to the grand jury on at least nine separate occasions in connection with his knowledge of the break-in.

It quoted passages of his testimony to illustrate.

In a separate indictment Liddy was charged on two counts of refusing to testify hefere Congress about the "Plumbers" activities. "We will fight it. We will press inclosent," said banker in Miami, adding that he was speaking for Martinez and De Diego as well as himself.

He said he had "absolute faith" that he and the others would be expected with Watergate and the "plumbers."

BARKER, who is selling condominiums pending appeal of four- to six-year sentence for the Watergate incident, repeated what he has said about Watergate, that he and his colleagues believed that they were doing something for national security, that they only did what "any patriot" would have done if called upon.

De Diego, like Barker and Martiner, a veteran of the Bay of Pigs invasion, was indicted for the first time. But he was named in the Liddy-James W. McCord Watergate trial as one of the men who broke into Watergate some three weeks before the others were arrested inside.

The Ellsberg case indictments were announced as Martinez and another Watergate burglar. Virgilio Gonzales, were on their way home to Miami from the minimum security federal prison at Eglin Air Force Buse in northwest Florida where they were released before dawn Thursday after serving 14 months for the Watergate burglary in June 1972.

"I'm glad to be out. I'm tired. I'm going to Miami," Martinez said.

Gonzales, a locksmith be-i fore he was jailed, said, "I will return to my life as it was before."

COLSON, facing his second indictment in aix days, restated his immorance andlie has not been told about circumstances surrounding this matter. A great deal more may be revealed in the course of this proceeding." Colson formation was special counsely to Nixon.

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# DoDiego to use immunity pledge in Elisberg case

Ly paper and MALONE

Chair to a horacto was efficient and the product to the entire of the control of

Dell'ego's attorney, Henry Rechault soul from his New York office yesterday he would file a torsion to disment's contages.

on March 7, a federal grand jury in Washington maned down six indictments in connection with the Eliberg psychiatrist office burglary, DeDiego, a Maini residual, was named in one of them.

Gertieln granted DeDiego immunity May 10 of last year in exchange for DeDiejo's testimony on the Boverly Hills, Calif., burglary with took place in Septemier, 1971.

Corresion questioned De-Degatiere at the request of the Armies D. Giet Atterray Joseph Barch who was taching department the burglaty of the perchastical's office.

basch also immunized De-

A cording to Rothblatt, core a defendant has been marted intermite from prosecution in one jurisdiction, the immunity stays with him in both state and federal

Total his toon the law of

the lard for the past seven years," Rothblatt said, adding that two Supreme Court decisions stood for that proposition.

During his testimony, De-Diego told Gerstein how he and two other Waterpate burglars from Miami traveled to Los Angeles under assumed names and broke into the office of Dr. Lewis Fielding.

DeDiago testified his accomplices were Miamians Bernard Barker and Lugenio Martinen. Investigators learned from other sources that E. Howard Hunt and G. Gordon Liddy were alleged to have been outside the office ta'king to the burglars by walkie-talkie.

Indicted along with De-Diego recently were Barker, Martinez, Liddy and former presidential aides John Ehrlichman and Charles Colson.

The attorney added he believes the office of Special Prosecutor Leon Jaworski is already aware of the immunity granted here.

Rothblatt said he did not believe it would be necessary to subpena Gerstein in making the defense motion to dismiss, because he did not anticipate a dispute over the facts.

Rothblatt said he is awaiting a transcript of grand jury minutes before filing his motion to dismiss which he said he hoped to do as soon as the other.

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# Miamian Wants APRAL Trial

HereM Wash naton Beresu

WASHINGTON - A defandent in the Daniel Ells. berg burglery case argued that he could not get a fair trial in the same courtroom with former White House gide John Thrlichman.

Lawyers for Clipe de Die . 2 Caban crite now he of , o Maml, made that argrowent in urging U.S. Disto oblind in Germard Gerall to have Untichman tried segarately from the other White House "plumbers" defen-dents.

EHRLICHMAN, De Diego, frimer presidential assistant Charles Colson, and three owers have been indicted for the 1971 burg'ery of the office of Elisherg's psychiatrist, I... Lewis Fielding of Los Anrates

Stephan Peskin of New York De Diero's attorney, 1- 1 Good that the place of

Watergate publicity had made l'rhiichman so coatroversial that once a jury is "able to link De Diego to Ehrlichman, then his right to a fair trial is threatened."

The judge did not rule, but Indicated that he might sepagate part of the charges against ! britchman for different reasons.

All six of the "plumbers" defendants are charged with conspiracy to violate the civil rights of Dr. Fielding by breaking into his office. Ehrlichman is also charged with lying to the FBI once and committing perjury before a grand jury three times in connection with the burglary.

GESELL HINTED he thought it might be improper to allow "all those other defendants who are only charged with conspiracy to ait there and let it (testimony about I briichman's alleged lying) tub off on them.

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# Charge dismissed against De Diego

Combined Miami News Services

The charge against Felipe De Diego of Miami, one of six men indicted last March in connection with the burglary of offices of Daniel Ellsberg's psychiatrist, was dismissed yesterday by District Court Judge Gerhard Gesell in Washington.

The judge said De Diego had been granted immunity from prosecution while appearing before the Dade County Grand Jury and had been promised the information he disclosed would not be used against him.

De Diego has admitted he participated in the break-in of the Beverly Hills, Calif., offices of Dr. Lewis Fielding in September, 1971.

Dade State Attorney Richard Gerstein gave De Diego immunity May 10 so information could be obtained against other persons now accused in connection with the break-in. The immunity was also granted by California officials.

De Diego was indicted in Washington in connection with the burglary but his lawyer, Henry Rothblatt, said when a person had been granted immunity in one jurisdiction that immunity stays with him in both state and federal courts. Judge Gesell today agreed and dropped the charges against De

Gesell said there was no practical way in which the prosecution could prove that none of its case against De Diego was based on information he gave under the cloak of immuni(Indicate page, name newspaper, city and

8-A

MIAMI NEWS

MIAMI, FLA

Date: 5/22/7

# De Diego: Would Be Proud to Do It Again

By FRANK GREVE Herald Staff Writer

Felipe De Diego, one of a handful of men to have won immunity from Watergate prosecution, hasn't had it with clandestine politics.

"What I did was done because I was told I was helping national security." the Miami Realtor said Wednesday from the office of his lawyer. "And I'd be proud to do that job anytime.

"I might be involved in the lause of Cuban freedom

gain," he said.

De Diego. 45. looking relaxed and cheerful, also said his business had improved

"because of the publicity," since his code name was found in Watergate burglar Bernard Barker's address book shortly after the June 1972 break-in. He owns Realco Realty at 2731 Coral Way.

U.S. District Judge Gerhard A. Gesell dropped the lone conspiracy against De Diego Tuesday. Though prosecutors said they had independent information connecting him o the break-; in at the office of Daniel Ells: berg's psychiatrist, De Diego had twice been granted imj munity for testimony relating to the case.

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MIAMI, FLA.

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be available for consultation some time next week at HALL's quarters in the Mayflower Hotel, WDC. advised HALL he would have to consult with proper authority on the matter and would call back.

by CHARLES BREYER of the Special Watergate Prosecutor's Office (SWPO) who said he preferred being called after Departmental or Bureau policy on the above matter had been ascertained and before HALL was advised of any decision.

In the meantime, who had advised he had also been contacted by HALL, determined from the Bureau's Legal Counsel's Office that it was Bureau policy not to consult with the defense unless so instructed by the prosecution or directed by court order. Mr. PHILIP BAKES, JR., of the SWPO was so advised in the absence of BREYER on the afternoon of 6/4/74. At that time BAKES suggested that "it might be wise" for the agents involved in this matter, "to talk to HALL with either BREYER or BAKES present." BAKES said that if the Bureau has no objection to such a procedure, HALL should be so advised and BAKES or BREYER informed of HALL's response and the time and place for a possible meeting.

Office at FBIHQ, BAKES was advised again by
that the Bureau does not make agents available to the defense in the beence of specific instructions or a direct court pointed out to BAKES that he might want to fication on its implementation. BAKES requested and was supplied the phone number of the Bureau's Legal Counsel Division.

the SWPO, who said he wanted to talk to both SAS SCHWEFFE and before they go to see HALL. BREYER suggested that HALL be called and advised of Bureau policy, that authority for a pretrial conference is being requested and that upon

receipt of same, HALL will be called back to set an appointment for a meeting in WFO space. BREYER suggested that see him in this matter at 10:00 a.m. SAS

on 6/12/74 REGAN

On 6/6/74, Attorney HALL contacted who established that HALL wanted to see at the same time about the FD-302 mentioned previously. HALL REG was advised of Bureau policy concerning pretrial conferences with the defense, that authority for a meeting with him was being sought, and that he would be contacted regarding that decision and regarding any possible appointment later.

The Bureau will be kept advised in this matter.

# Aufted States Bistrict Court

FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

JOHN D. EHRLICHMAN, et al. Defendants.

No. 74-116



TO HOMER SCHWEPPE

You are hereby commanded to appear in the United States District Court for the 3rd & Constitution Ave., N.W.

District of Columbia

at Courtroom No. 6

in the city of

Washington on the 17th day of June

19 74 at 9:30 o'clock A. M.

IAMES F. DAVEY

testify in the above-entitled case.

This subpoens is issued on application of the United States.

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| May 28, 1974  Attorney for United S                          | tates /                         | By Robers                | Clerk.  Clerk.  Deputy Clerk.           |
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| within named<br>by delivering a copy to h<br>allowed by law. | and tendering <sup>2</sup> to h | the fee for one day's at | tendance and the mileage                |
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ENGLOSURE

<sup>&</sup>quot;Inseft"United States," or "defendant" as the case may be.

' Fees and mileage need not be tendered to the witness upon service of a subpoena issued in behalf of the United States or an officer or agency thereof. 28 USC 1825.

UNITED STATES GOVE Dan AD Adm. --Gebhardt 1 - Mr. E. W. Walsh Memorandum 1 - Mr. J. A. Mintz 1 - Mr. W. R. Wannall : Mr. W. R. Wannall DATE: 6/10/74 1 - Mr. W. W. Hamilton : F. S. Putman. SUBJECT: UNITED STATES v. JOHN D. EHRLICHMAN, ET AL., U. S. D. C., D. C., CRIMINAL NO. 74-116 Purpose is to seek authority for two Bureau Agents to appear as witnesses in captioned trial. By memorandum dated 6/5/74, Special Prosecutor's sed that (WFO) have been informed REGAN Office (SPO) (attached) advised that (Division Five) and that they will be called as witnesses in captioned case set for trial 6/17/74 in U. S. District Court for the District of Homerw. According to SPO, defense counsel for defendant John Ehrlichman has asked that Agents be made available for an interview in order to prepare for trial. SPO made reference to a discussion with Legal Counsel Office wherein SPO was advised that Agents cannot consent to interview without a specific request and authorization from SPO. SPO stated that accordingly, their attached communication of 6/5/74 would serve as a specific request and authorization by SPO for to consent to an interview with Ehrlichman's counsel. SCHWEPPE Also attached is WFO airtel dated 6/6/74 which sets forth details relating to contacts with SPO in this matter. SAS CHARLES A. REGAN RECOMMENDATION: HOMER W. SCHWERPE That authority be granted for to appear as witnesses in captioned matter and also to be available for interview with defense counsel. ST-101 Enclosures WWH:mjg / '/ (6) C. 84 JUN 2 0 1974

1 - Mr. R. E. Gebhardt 1 - Mr. J. A. Mintz 1 - Mr. E. W. Walsh Special Prosecution Force U. S. Department of Justice . June 6, 1974 Director, FBI BY COURIER SERVICE 1 - Mr. W. R. Wannall 1 - Mr. W. W. Hamilton UNITED STATES V. JOHN D. EHRLICHMAN, ET AL. U. S. D. C., D. C., CRIMINAL ACTION NO. 74-116 Reference is made to telephone conversations on June 5, 1974, between Mr. John A. Mintz and Mr. William W. Hamilton of this Bureau, and Mr. Charles Breyer of your office, pertaining to service of a subpoena directed to this Bureau in the matter captioned above. Pursuant to request of Mr. Breyer, there are enclosed thirty-five Xerox copies of FBI documents considered to be possibly relevant and responsive to this subpoena. AGENT FORREST S. PUTNAM, J. Also enclosed is an affidavit executed by SPECIAL all information located during a review of appropriate files , attesting to the fact that and records, which is considered relevant to this subpoena, is being furnished to your office. This affidavit also attests that during a search of these files and records, no information was discovered which would indicate that John D. Ehrlichman either had, or did not have, prior knowledge of the burglary of After a review and determination by your office as to which of the enclosed documents are most responsive and relevant to the language of the subpoena, an appropriate official of the FBI will be available to produce the original file copies of selected documents. REC-49 Enclosures - 36 WAH: mis . (8 FUC. BEHIND LIFE Assoc. Dir. Dep. AD Adm NOTE: Dep. AD Inv. PUTNAM See memorandum Asst. Dir.: memoranda of Mintz to Miller dated 6/4 and 6/5/74, all captioned Admin. as above. Attached is inventory of documents being furnished to Ext. Affal Special Prosecutor and also one Xerox copy of each document for Files Ident. by F 1/6/74 Training \_

Special Prosecution Force U. S. Department of Justice

### INVENTORY

| Item                                     | Date    | Description  | Location                    |
|--|---------|--|-----------------------------|
| 1  | 7/5/71  | McLEK - Butel                                      | 65-74060-277                |
| 2  | 7/7/71  | McLEK - airtel                                     | 65-74060-311                |
| 3  | 7/13/71 | Memo from AAG re BS GJ                             | 65-74060-392                |
| 4  | 7/26/71 | Memo Felt to Tolson Saltlek                        | 65-74135-6                  |
| 5  | 7/28/71 | AG to FBI re unauthorized disclosures              | 65-74135-15                 |
| 6  | 7/30/71 | AAG to FBI re Saltlek                              | 65-74135-2                  |
| 7  | 8/4/71  | Memo Felt to Tolson re adequacy of personnel       | 67-149000-3624              |
| 8  | 8/9/71  | FBI to AG re unauthorized disclosures              | 65-74060-1001               |
| 9  | 8/10/71 | Memo Wannall to Brennan McLEK                      | 65-74060-115 <mark>6</mark> |
| 10                                       | 8/12/71 | Memo Brennan to Sullivan re adequacy of personnel  | 67-149000-3628              |
| 11                                       | 8/12/71 | AAG to FBI McLEK                                   | 65-74060-1243               |
| 12                                       | 8/12/71 | Memo Wannall to Felt re<br>adequacy of personnel   | 67-149000-3616              |
| 13                                       | 8/12/71 | AAG to FBI McLEK                                   | 65-74060-1278               |
| 14                                       | 8/13/71 | FBI to AAG TOLL LEK                                | 65-74138-6                  |
| 15                                       | 8/16/71 | AG to FBI re unauthorized disclosure of classified |                             |
| 7-17-11-11-11-11-11-11-11-11-11-11-11-11 |         | info   | 65-74135-28                 |

Special Prosecution Force
U. S. Department of Justice

| 21       9/9/71       Memo Felt to Tolson re Charles 67-428100-257         22       9/10/71       Butel re McLEK       65-74060-1650         23       9/11/71       NYtel re McLEK       65-74060-1657         24       9/13/71       LAtel re McLEK       65-74060-1688         25       9/13/71       WFOtel re McLEK       65-74060-1693         26       9/13/71       BStel re McLEK       65-74060-1691         27       9/16/71       Buairtel re McLEK       65-74060-1671         28       10/13/71       AAG to FBI re McLEK       65-74060-2100         29       10/20/71       Memo Brennan to Miller re McLEK       65-74060-2100  | Item | Date     | Description                              | Location               |
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|   | 29   | 10/20/71 |  | 65-74060-2100          |
|   | 30   | 11/11/71 |  | 65-74060-2394          |

Special Prosecution Force U. S. Department of Justice

| Item | Date     | Description                                   | Location            |
|------|----------|---|---------------------|
| 31   | 11/30/71 | Memo Miller to Rosen re<br>Charles D. Brennan | 67-428100-268       |
| 32   | 12/3/71  | Miller to Rosen re Charl<br>D. Brennan        | es<br>67-428100-269 |
| 33   | 2/29/72  | FBI to AAG re TOLL LEK                        | 65-74138-62         |
| 34   | 4/26/73  | Memo Putman to Miller re<br>McLEK             | 65-74060-4247       |
| 35   | 5/10/73  | Memo Miller to Relt re                        | 65-74060-4351       |
|      |          |   | 00-14000-4331       |

# UNITED STATES DISTRICT COURT

for the

### DISTRICT OF COLUMBIA

| UNITED       | STATES O   | F AME    | RICA |   |     |    |      |
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| A CONTRACTOR |            | . Y. J.  |      | ) |     | 2  | 143  |
|              |            |          |      |   | N   | 74 | 110  |
| John D.      | Ehrlichman | , et al. |      |   | 141 |    | -110 |

being duly sworn, deposes and says:

- 1. I am a Special Agent of the Federal Bureau of Investigation and am assigned at FBI Headquarters in a supervisory capacity in the Intelligence Division. I directly supervised a review by Special Agent personnel of FBI files and records pertinent to the investigation of Daniel Ellsberg and related cases involving leaks of classified Government information. This review was conducted on June 4 and June 5, 1974, and included a review of appropriate FBI administrative files containing information relevant to assignment of manpower and Bureau policy decisions.
- 2. Every document in possession of the FBI which, to the best of my knowledge, could be considered relevant and responsive to the subpoena dated June 1, 1974, served on the FBI, has been copied and copies furnished to the Special Prosecutor.

3. To the best of my knowledge during the file search, no information was located which indicated that John D. Ehrlichman either had or did not have prior knowledge of the burglary of the office of Dr. Lewis J. Fielding.

|                                | FORREST S, BUTNAM  |
|--------------------------------|--|
| Date: June 6, 1974             | JU SAME STORY  |
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| Sworn and Subscribed           | to before me this day of   |
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| , 1974.                        |  |
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|                                | Marguerite F. Devine   |
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# United States District Court

Dushick of Colombic

UNITED STATES OF AMERICA

No. 74-116

John D. Ehrlichman, et al.

To The Director of the Federal Bureau of Investigation, Washington, D.C., or any subordinate officer, official, or employee with custody or control of the documents or objects hereinafter described on the attached schedule.

You are hereby commanded to appear in the United States District Court for the

in the city of at Constitution Ave. & John District of Columbia Marshall Place 1974 at 9:30 o'clock A. M.

District of Columbia on the 6th day of June

and bring with you to testify in the case of United States v. John D. Ehrlichman, Et al.

the documents described on the attached achedule.

This subpoena is issued upon application of thek defendant Ehrlichman.

xxxxxxx, June 1 1974 Attorney for defendan ngton, Drole Wayflower Hotel Address C/ Willean '1 Insert "United States," or "defendant" as the case may be.

RETURN

Received this subpoena at and on served it on the within named and tendering to h by delivering a copy to h age allowed by law.2

the fee for one day's attendance and the mile-

Dated:

Service Fees

Travel Services ----

Total .....\$

Fees and mileage need not be tendered to the witness upon service of a subpoena issued in behalf of the United States or an officer or agency thereof. 28 USC 1825.

OPTIONAL FORM NO. 10 MAY 1962 EDITION GSA GEN BEG. NO. 27 UNITED STATES GOVE *Iemorandum* 

Wannall J4

1 - Mr. R. E. Gebhardt

1 - Mr. J. A. Mintz

1 - Mr. E. W. Walsh

DATE: 6/6/74

1 - Mr. W. R. Wannall

1 - Mr. W. W. Hamilton

Dep. AD Inv.

SUBJECT: UNITED STATES v. JOHN D. EHRLICHMAN, ET AL., U.S.D.C., D. C., CRIMINAL ACTION NO. 74-116

> Reference is made to memoranda of Mintz to Miller dated 6/4/74 and 6/5/74, captioned as above, pertaining to subpoena directed to the FBI by defendant John D. Ehrlichman,

This subpoena calls for the production of FBI internal audits or analysis made during 1971 reflecting our investigation of Daniel Ellsberg and showing the number of full-time Agents assigned the investigation. Also to be included is criticism by then Assistant Attorney General (AAG) Robert C. Mardian and Subpoena also our analysis of the validity of that criticism. calls for any and all correspondence or memoranda referring or relating to the unauthorized disclosure of classified information by Ellsberg and/or others relating to the "Pentagon Papers" or referring to leaks or conferences with respect to further disclosures to classified information sent to or received by Ehrlichman.

In discussions with AAG Petersen and Henry Ruth, Deputy Special Prosecutor, on 6/5/74, Mr. Mintz was apprised that other agencies, such as CIA, also received similar subpoenas and, by agreement with the Deputy AG, the Special Prosecutor's Office will coordinate a singular response in behalf of all the agencies receiving the subpoenas. Mr. Charles Breyer, of the Special Prosecutor's Office, has been designated as coordinator. In telephone conversation with Supervisor W. W. Hamilton, Intelligence Division (INTD), on 6/5/74, Mr. Breyer was advised that we had undertaken an intensive search of files and records pertaining to the Daniel Ellsberg investigation and related cases involving leaks of classified information to the press. File reviews were also made of pertinent and appropriate internal administrative files which would possibly contain information pertinent to the subpoena. Mr. Breyer was further advised that upon completion of our reviews, we would furnish to his office any and all documents considered to be responsive to the language Enclosures - dent 6-6-74 edm

65-74060

WWH:mjg

CONTINUED - OVER

Memorandum to Mr. W. R. Wannall . Re: United States v. John D. Ehrlichman, et al 65-74060

by the INTD, we are furnishing to the Special Prosecutor, in response to the subpoena, a variety of FBI communications and documents. A transmittal letter to Special Prosecutor is attached for approval and, on our file copy, the documents are enumerated and described and Xerox copies attached. These documents fall into three general categories as follows:

- 1) Information pertaining to internal audits relative to the Daniel Ellsberg case which would indicate such things as manpower commitments. For example, inspection report dated 8/19/71 sets forth detailed information concerning the operation and administration of the Ellsberg case.
- 2) Information which could be construed as criticism by the Department concerning our handling of the Ellsberg case and replies we may have made to Department in response to such real or implied criticism.
- 3) Information pertaining to any correspondence sent to Ehrlichman at The White House or received from him or documents which contained any reference to Ehrlichman.

Aside from the Ellsberg and related leak files, it should be noted that in category 2 above, memoranda which were considered relevant to possible dissension between the Bureau and then AAG Mardian were taken from personnel file of SAC Charles D. Brennan and from the administrative file of the INTD. It should further be noted that on certain of these memoranda and also in communications derived from case file, there sometimes appears succinct comments of former Director Hoover. Items being transmitted having Mr. Hoover's comments are identified in attached inventory as 4, 7, 9,/12, 16, 19 and 30.

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Memorandum to Mr. W. R. Wannall Re: United States v. John D. Ehrlichman, et al 65174060

Mr. Mintz has advised that our essential consideration in this matter and in our review of pertinent material should be whether or not the material reviewed is believed to be responsive to the subpoena. If documents or communications have been located in our review which are believed to be relevant to the subpoena, then they should be furnished to the Special Prosecutor for his consideration and review to determine what material is legally responsive to the subpoena.

### ACTION:

If approved, attached letter will be forwarded to Special Prosecutor transmitting 35 FBI documents described in inventory attached to file copy.

WIA

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Mr. James A. Wilderotter Associate Deputy Attorney General - Mr. R. E. Gel I - Mr. J. A. Mir. I - Mr. O. T. Jac June 13, Director, FBI 1 - Mr. W. R. Wani DANIEL ELISDERG Mr. W. W. Hami ELECTRONIC SURVEILLANCE 1974, to Deputy Associate Director Edward S. Miller and to Reference is made to your memorandum dated May 24 my memorandum dated June 4, 1974, both pertaining to a reque of the House Committee on the Judiciary for copies of FBI of May 24, 1974, there is: attached one Xerox copy each of Pursuant to your request in referenced memorandum a memorandum dated July 13, 1971, from Director, FBI, to

continued important (AAG), Internal Security Division,

Fileberg Fileberg Filebronic Surveillance and also captioned "Daniel Ellsberg Electronic Surveillance" and also a memorandum dated July 16, 1971, from Director, FBI, to AAG, Internal Security Division, captioned "Electronic Surveillance Information Request." The latter memorandum has been appropriately edited to remove references to individuals other than Morton Halperin and Daniel Ellsberg and also to excise references to sensitive techniques utilized by this Bureau in You were advised in my memorandum of June 4, 1974, that this Eureau was making inquiries into the circumstances surrounding the preparation of the enclosed memoranda. result of these inquiries, I am enclosing for your information two copies each of interviews conducted by this Bureau with present and former FBI personnel who were involved in the preparation or approval of the enclosed memoranda. of FBI memoranda dated July 13, 1971, and July 16, 1971, and contact of interviews with present and former personnel A copy of this communication along with single copies single copies of interviews with present and former personnel Dep. AD Adm. Single copies of interviews with present and former personnel of this Bureau are being furnished to the office of the special Dep. AD Adm. \_ Comp. Syst. Ext. Affeirs Enclosures - 26 Files & Com. 2 Prosecution Force Enclosures (14) By COURIER SERVI 1 - Watergate Special Laboratory JUN 2 0 1074

Spec. Inv. WWH: mjg// Legel Coun. Telephone Rm. \_ Director Sec'y \_\_ MAIL ROOM

Mr. James A. Wilderotter Associate Deputy Attorney General

NOTE:

Reference is made to memoranda Wannall to Miller dated 5/31/74 and Jacobson to Callahan dated 6/10/74. By letter dated 5/24/74, Wilderotter advised that House Judiciary Committee had requested copies of two FBI memoranda and Wilderotter further advised that we might wish to explain the context in which these memoranda were issued. Director's approval was obtained for Inspection Division to interview present and former Bureau personnel involved in the preparation and approval of these memoranda. Inspection Division has completed its inquiries and Mr. Mintz has advised that copies of the FD-302s should be forwarded to Wilderotter for his information and that the latter should contain no conclusions on the part of this Bureau. Mr. Mintz further advised that this information should also be made available to the Special Prosecutor.

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with violation of Title 18, Section 1001, U.S. Code and three counts of violation of Title 18, Section 1623, U.S. Code, making false declarations to a Federal Grand Jury.

On 3/9/74, EHRLICHMAN and COLSON entered not guil pleas.

On 3/14/74, BARKER, DE DIEGO, LIDDY and MARTINEZ also pled not guilty.

A trial date of 6/17/74, was set by Federal Judge GERHARD GESELL.

One copy of this communication is being directed to the Intelligence Division in view of their interest in this matter.

Inasmuch as WFO receives numerous requests to assist the WSPO in this case with pre-trial matters, requests received for information from other offices will be consolidated in this file.

WFO will follow prosecution of subjects in U.S. District Court, WDC.

Special Prosecution Force U. S. Department of Justice

Director, FBI

1 - Mr. R. E. Gebhardt V. R. Wannall June 13, 1974

### BY COURIER SERVICE

1 - Mr. W. W. Hamilton

UNITED STATES v. JOHN D. EHRLICHMAN, ET AL., U. S. D. C., D. C., CRIMINAL NO. 74-116

Intel

Reference is made to your memorandum dated May 20, 1974, wherein you requested that it be determined if this Bureau was ever requested to conduct an electronic surveillance of Daniel Ellsberg, members of his family and/or his psychiatrist.

Enclosed for your information are two copies each of interviews of present and former FBI personnel who would logically have been involved in considering such an electronic surveillance proposal. Interviews were not conducted with former Bureau officials W. Mark Felt and William C. Sullivan as your referenced memorandum indicated that these individuals would be interviewed by your office.

A search of appropriate files and records of this Bureau did not reveal any information which would indicate that the FBI or any individual employed by the FBI was ever requested to conduct an electronic surveillance of Daniel Ellsberg, members of his family and/or Dr. Lewis J. Fielding KEC- 45 his psychiatrist. ST-101

Enclosures = 16

BY COURIER SVC. JUN 14 P.M.

20 JUN 17 191

WWH:mjg/ivy NOTE:

Above is to comply with WSPF request to Director dated Communication is classified "Confidential" to protect 5/20/74. sensitive Bureau techniques. Memorandum Putman to Wannall 5/29/74 obtained approval for attached interviews.

FBI

declassified &

# United States Wistrict Court

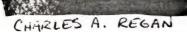
### FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

JOHN D. EHRLICHMAN, et al.

Defendants.

No. 74-116 .



You are hereby commanded to appear in the United States District Court for the 3rd & Constitution Ave., N.W.

District of Columbia

at Courtroom No. 5

in the car at

Washington

on the 17th day of

June

19 74 at 9:30 o'clock A. Y.

JAMES F. DAVEY

testify in the above-entitled case.

This subpoena is issued on application of the United States.

Attorney for United States 1425 K Street, N.W.

Address

RETURN

Received this subpoena at and on

at

I served it m ==

within named by delivering a copy to h allowed by law.

and tendering' to h

the fee for one day's attendance and the minima

Service Fees

Travel\_\_\_\_ Services

Total\_\_\_\_

'Insert "United States." or "defendant" as the case may be,

Fees and mileage need not be tendered to the witness upon service of a subpoena issued in behalf of the Third States or an officer or agency thereof. 28 USC 1825.

16.4.20-4

OFTIONAL FORM NO. 16 MAY 1962 EDITION GSA GEN. REG. NO. 27 UNITED STATES GO' 1 - Mr. J.E. Herington ' Memorandum (Office of Legal Counsel) Act. Dir. 1 - Mr. W.R. Wannall Ext. Affairs DATE: June 7, 1974 1 - Mr. W.W. Hamilton 1 - Mr. W.O. Cregar 1 - Mr. C.A. Regan SUBJECT: UNITED STATES VERSUS EHRLICHMAN, et al. CRIMINAL NUMBER 74-116 AIC /s/ UNITED STATES DISTRICT COURT, WASHINGTON, D.C. 6/17/74 TESTIMONY OF SA CHARLES A. REGAN SUPERVISOR CHARLES A. This is to advise that CI-2 Section, Intelligence Division, has been subpoenaed to appear as a witness in captioned matter on 6/17/74, and has been requested by counsel for John D. Ehrlichman to meet for pretrial conference sometime during the week of 6/9/74. SPECIAL AGENT (SA) Attached is a copy of a letter to from Philip J. Bakes, Jr., Assistant Special Prosecutor, dated 5/28/74, a copy of a subpoena issued on the same date, directing that appear as a SA REGAN witness in captioned matter, and a copy of a letter from Henry S. Ruth, Jr., Deputy Special Prosecutor, to the Director dated 6/5/74. SA . REGAN On 6/4/74 was telephonically contacted by Mr. Andy Hall (phonetic), who represented himself as defense counsel for Ehrlichman, and requested a pretrial conference sometime during the week of 6/9/74. Mr. Hall was informed that an answer to his request would be furnished at a later time. Hall's request was thereupon furnished to Assistant Special Prosecutor Bakes (above), and his advice was solicited. Mr. Bakes said he had no wish to Imake a recommendation one way or another regarding a

pretrial conference, and that a decision to meet with Mr. Bakes suggested that Hall must be made by in the event did meet Hall, he also should consult with Bakes, both before and after meeting with Hall. For SA REGAN SA REGAN JUN 17 1974

Enclosures

.CAR:eks/bcw

CONTINUED - OVER

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84 JUN 2 1 1974

TO

Memorandum to Mr. W.R. Wannall
RE: UNITED STATES VERSUS EHRLICHMAN, et al.
CRIMINAL NUMBER 74-116
UNITED STATES DISTRICT COURT,
WASHINGTON, D.C. 6/17/74
TESTIMONY OF SA CHARLES A. REGAN

information, of the Washington Field office (WFO), has been subpoenaed in this matter and was also contacted by Hall on 6/4/74, with a similar request. interviewed and took a statement from defendant Ehrlichman on 5/1/73, regarding Ehrlichman's knowledge of whereabouts of results of investigation conducted by The White House in "The Pentagon Papers" case.

On 6/4/74, Inspector Jack E. Herington, Office of Legal Counsel, advised that normally Special Agents are not made available for testimony by defense counsel unless so instructed by the prosecutor. Usually prosecution witnesses have the personal option of agreeing to or refusing interviews by defense counsel. Attorney General Order 501-73 prohibits Department of Justice employees from producing material contained in the files of the Department or disclosing any information acquired as part of their official duties without prior approval of the appropriate Department official or the Attorney General. In this instance, the appropriate Departmental official would be a representative of the Special Prosecutor's Office.

By letter dated 6/5/74, addressed to the Director, Mr. Henry S. Ruth, Jr., Deputy Special Prosecutor, specifically requested and authorized to consent to an interview with defendant Ehrlichman's counsel. A copy of that letter is attached. SAS REGAN AND SCHWERPE

CONTINUED - OVER

Memorandum to Mr. W.R. Wannall

E: UNITED STATES VERSUS EHRLICHMAN, et al.

CRIMINAL NUMBER 74-116

UNITED STATES DISTRICT COURT, WASHINGTON, D.C. 6/17/74

TESTIMONY OF SA CHARLES A. REGAN



### ACTION:

With your approval, will respond to the subpoena as directed. In view of Departmental regulations, he will comply with the specific instructions received from the Special Prosecutor's Office and will consult with Ehrlichman's attorney. Prior to meeting with Ehrlichman's attorney, will consult with the Special Prosecutor's Office concerning the substance and extent of the material to be discussed in the interview. WFO is submitting an airtel advising UACB is following the same course of action.

SA REGAN

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